



# **SITE PLAN REVIEW REGULATIONS**

***CITY OF LEBANON, NEW HAMPSHIRE***

**ADOPTED: MAY 13, 1991**  
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## **ARTICLE I – ENACTMENT AND GENERAL PROVISIONS**

### **Section 1.1 – Authority**

Under the general authority granted in the New Hampshire Revised Statutes Annotated Title LXIV, these Regulations are adopted by the Lebanon Planning Board, procedurally under RSA 675:6, after having adopted both a zoning ordinance and subdivision regulations as required under RSA 674:43, and as authorized by the City Council on July 16, 1986 and on March 21, 1990. Pursuant to RSA 674:43, the Planning Board (or, as applicable, the Minor Site Plan Committee) will review and may approve or disapprove site plans for the development or change or expansion of use of tracts for nonresidential uses or for multifamily dwelling units, which are defined as containing more than two dwelling units.

### **Section 1.2 – Short Title**

These Regulations shall be known and may be cited as the “Site Plan Review Regulations” for the City of Lebanon, New Hampshire.

### **Section 1.3 – Interpretation, Conflict, and Separability**

- A. In the interpretation and application of these Regulations, the provisions shall be held to be minimum requirements, except where they are expressly stated to be maximum requirements. More stringent provisions may be required if it is demonstrated that different standards are necessary to promote the public health, safety, and welfare.
- B. Where the conditions imposed by any provisions of these Regulations are either more restrictive or less restrictive than comparable conditions imposed by these Regulations or other ordinances, laws, or regulations, the regulations which are more restrictive and impose higher standards or requirements shall govern.
- C. To facilitate the understanding of the hierarchy in provisions, restrictiveness is typically prefaced by prescriptive or permissive language. “Must” or “shall” signifies an obligation, “must not” or “shall not” is for a prohibition, “may” signifies a discretionary action, “should” indicates a recommendation, and “includes” or “including” provides an example but not a limitation.
- D. The provisions of these Regulations are separable. If a section, sentence, clause, or phrase of these Regulations is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the remaining portions of these Regulations.

### **Section 1.4 – General Purpose**

It is the purpose of these Regulations to protect the public health, safety, and general welfare while allowing for cost-saving efficiencies. The provisions shall be administered to ensure orderly growth and development and to supplement and facilitate the provisions in the City of Lebanon’s Master Plan, Zoning Ordinance, and capital budget. Site plan standards are to ensure that the design of new development will respect the site’s natural environment, give appropriate consideration to the scale and character of existing neighborhoods, and be an asset to the community.

## **Section 1.5 – Specific Purposes**

- A. Provide for the safe and attractive development or change or expansion of use of the site, and guard against such conditions as would promote danger or injury to health, safety, or prosperity by reason of, but not limited to:
  - 1. Inadequate drainage or conditions conducive to flooding of the property, or that of another property;
  - 2. Inadequate protection for the quality of groundwater and other water resources;
  - 3. Undesirable and preventable elements of pollution, including but not limited to noise, smoke, soot, particulates, soil erosion, or any other discharge into the environment which might prove harmful to the environment, persons, structures, or adjacent properties;
  - 4. Inadequate provision for fire safety, prevention, and control.
- B. Provide for the harmonious and aesthetically pleasing development of the municipality and its environs by:
  - 1. Protecting existing historic and environmental features as much as feasibly possible on the site reviewed, and minimizing the impact on adjacent areas that contain historic and environmental resources;
  - 2. Assuring compliance and consistency with zoning districts and overlay zones and the determinations of other commissions that have or will have jurisdiction over the site;
  - 3. Assuring that suitably located streets and sidewalks of sufficient width are provided to accommodate existing and prospective motor vehicle, bicycle, and pedestrian traffic, and to afford adequate light, air, and convenience of access to properties;
  - 4. Assuring that the site plan provides for open spaces and green spaces of adequate proportion;
  - 5. Assuring that the intensity of development of a site is harmonious with the community, the neighborhood surrounding the site, and the adjacent properties.
- C. Provide guidance and management for orderly municipal growth that allows for the appropriate provision of services to the citizens of the community, to include but not limited to:
  - 1. Police protection, fire protection, and ambulance service;
  - 2. Water and sewerage facilities;
  - 3. Educational facilities.

- D. Provide for prosperity and protection of property investments for the citizens of Lebanon by:
  - 1. Assuring that land is used in a manner that is harmonious with the surrounding areas such that it does not interfere with the prosperity of neighboring lands;
  - 2. Assuring that the type and intensity of proposed use is appropriate for the area in which it is situated.

### **Section 1.6 – Compliance**

- A. These Site Plan Review Regulations apply to all **land development**, and no such **land development** shall proceed without first obtaining a jurisdictional determination from the Planning and Development Department pursuant to Section 3.1.
- B. Site plans shall be prepared in accordance with all applicable local, state and federal ordinances, laws, codes, regulations, and requirements. A reference sheet prepared by the Planning and Development Department identifying some of the more common ordinances, laws, codes, regulations, and requirements that an applicant may need to comply with and which may impact the design of a proposed land development shall be made available on the City of Lebanon website.
- C. No Building Permit shall be approved for a building or structure on a site that does not comply with these Regulations.
- D. The Building Inspector shall not issue a Certificate of Occupancy under the Lebanon Building Code for any building on a site plan that does not comply with the Notice of Action on the approved site plan. Any requirement of the Notice of Action to be performed in the future and that has been bonded under Section 8.2 of these Regulations will satisfy the condition for the issuance of the Certificate of Occupancy.

## **ARTICLE II – DEFINITIONS**

For the purpose of these Site Plan Regulations, in addition to the terms included in this Article, the meaning of terms used herein shall be as defined in the Lebanon Zoning Ordinance and the Lebanon Subdivision Regulations.

**Accessory building (or accessory structure).** A building (or structure) subordinate and customarily incidental to the principal building or structure on the same lot. The term “accessory building”, when used in connection with agriculture shall include all buildings customarily used for farm purposes.

**Accessory use.** A use subordinate and customarily incidental to the principal use of a lot.

**Best management practices (BMPs).** Structural, non-structural, and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in storm water volumes and flows, reduce point source and non-point source

pollution, and promote storm water quality and protection of the environment. BMPs are selected on the basis of site-specific conditions that reflect natural background conditions and political, social, economic, and technical feasibility.

**Board.** The word “Board” shall mean the Lebanon Planning Board.

**Buffer.** A landscaped or naturally vegetated area running generally parallel to the boundaries of a parcel or water feature, and intended to lessen the negative impact of a land use on neighboring parcels or nearby areas.

**Car-sharing.** A private motor vehicle or fleet that is owned, maintained and administered by an organization and made available by membership for short-term use, as through a fully automated self-service reservation system requiring a one-time written agreement by the customer.

**Certified soil scientist.** A person qualified in soil classification and mapping who is certified by the State of New Hampshire Board of Natural Scientists.

**Certified wetlands scientist.** A person qualified in wetlands classification and mapping who is certified by the State of New Hampshire Board of Natural Scientists.

**Complete streets.** The design, construction and operation of travel corridors in a way that aims to: establish continuous and convenient connections; accommodate the mobility needs of all transportation users and modes; promote an integrated network of connected facilities (including stormwater, sewer and other utilities, where possible); and create public spaces to benefit the health, well-being, and economic development of the community at large.

**Curve number (CN).** A numerical representation used to describe the stormwater runoff potential for a given drainage area based on land use, soil group, and soil moisture, derived as specified by the U.S. Department of Agriculture, Natural Resources Conservation Service (USDA/NRCS).

**Direct light.** Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

**Disconnected impervious cover.** Impervious cover that does not contribute directly to stormwater runoff from a site, but directs stormwater runoff to on-site *pervious* cover to infiltrate into the soil or be filtered by overland flow so that the net rate and volume of stormwater runoff from the disconnected impervious cover is not greater than the rate and volume from undisturbed cover of equal area.

**Effective impervious cover (EIC).** The total impervious surface areas less the area of disconnected impervious cover (areas where runoff is captured and infiltrated or otherwise treated).

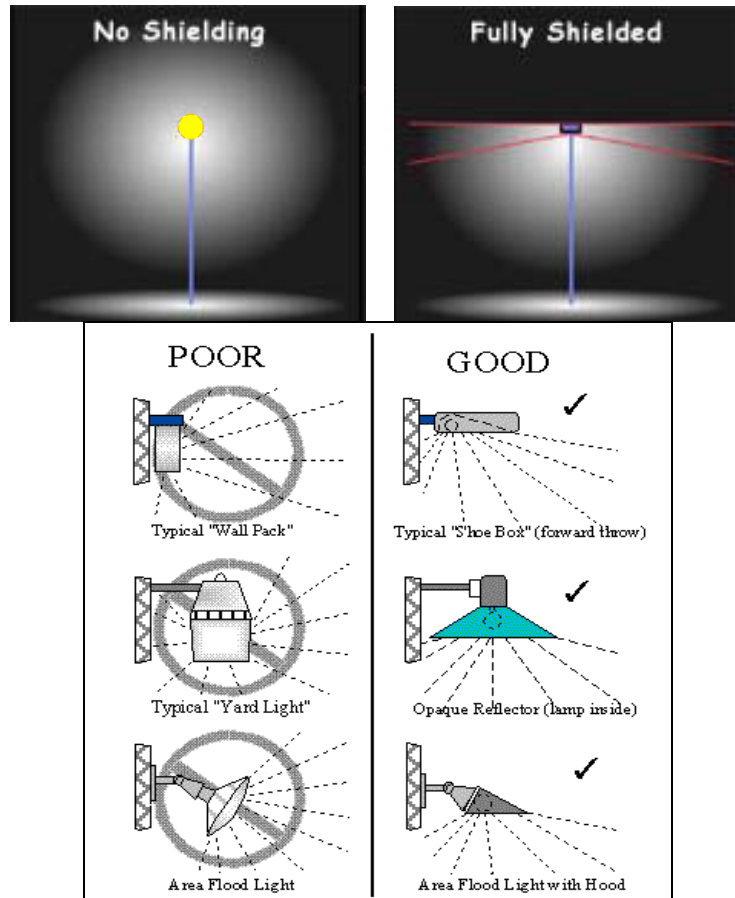
**Electric vehicle (EV).** A vehicle which uses one or more electric motors for propulsion, including battery, fuel cell electric or plug-in hybrid EVs per NH RSA Title XX Chapter 236.

**Electric vehicle charging (EV charging station).** The electric components or clusters of component assemblies designed specifically to charge an *electric vehicle* battery by transferring electric energy to a battery or a storage device in the vehicle.

**Electric vehicle parking.** Parking spaces adjacent to *electric vehicle charging* that are signed as designated for the exclusive use of actively charging *electric vehicles*.

**Floodlight or spotlight.** Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

**Fully-shielded fixture.** A fixture which emits zero light above the horizontal plane drawn through the lowest light-emitting part of a luminaire. Fixtures that comply with IESNA standards for full cut-off lighting are considered fully-shielded. (Such fixtures are often labeled as *Dark Sky Certified or Compliant*.) Examples of fully-shielded fixtures are depicted below:



(2009) Images from the New England Light Pollution Advisory Group website at <http://nelpag.harvee.org>

**Glare.** Light emitted from a luminaire with a level of intensity great enough to cause annoyance, distraction, discomfort, or loss in visual performance or visibility.

**Gross floor area.** The total square footage of all floors of a building devoted to the principal use, or accessory to that use, as measured using exterior building dimensions.

**Ground cover.** A tightly interlaced protective layer of low, dense-growing plants over the soil.

**Historic structure.** An aged structure listed on the National Register of Historic Places, or located in the City's historic district, or designated by the City as a historic landmark.

**IESNA.** Illuminating Engineering Society of North America.



**Impervious cover.** A structure or land surface with a low capacity for infiltration, including but not limited to pavement, roofs, roadways, and compacted soils, that has a Curve Number of 98 or greater.

**Infiltration.** The process by which water enters the soil profile (seeps into the soil).

**Indirect light.** Direct light that has been reflected or has scattered off of other surfaces.

**Invasive species.** Those plants identified as invasive or restricted by the Invasive Species Committee of the New Hampshire Department of Agriculture, Markets & Food (DAMF).

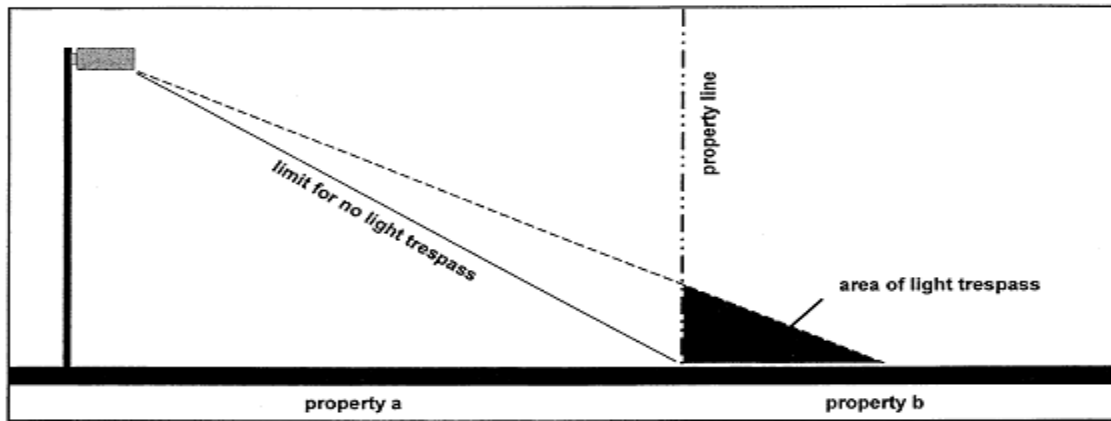
**Land development.** A physical improvement or alteration to a lot, whether vacant or improved, and/or an increase in the size of a building, and/or a change of use to a non-residential, mixed use, or multi-family dwelling. The term “land development” does not include the following:

- The construction of one-family and two-family dwelling units or associated accessory uses, in accordance with RSA 674:43, I, or any alterations or improvements to any property where the sole principal use is a one-family or two-family dwelling.
- Repair or maintenance that does not result in any changes to the layout or design of the property (e.g. repaving a parking lot that maintains the number and location of parking spaces, and the in-kind replacement of landscaping, fencing, light poles, etc.).
- The following home-based businesses:
  - Home businesses (see Section 600 of the Zoning Ordinance).
  - Family day care homes (see Section 604.3 of the Zoning Ordinance).
  - Home-based contractor’s yards (see Section 600A of the Zoning Ordinance), unless site plan review is otherwise required by the Zoning Board of Adjustment as a condition of Special Exception approval.
  - Home-based agricultural businesses (see Section 600B of the Zoning Ordinance), unless site plan review is otherwise required by the Zoning Board of Adjustment as a condition of Special Exception approval (see the zoning district tables of use in Article III of the Zoning Ordinance for additional information on when a Special Exception is required).
- Buildings and structures in the Rural Lands (RL) One, Two, and Three zoning districts that are used for an agriculture use.
- Physical alterations to the natural landscape that are made independently of any development of the lot. Such physical alterations include but are not limited to logging and grading.

**Lamp.** The component of a luminaire that produces the actual light.

**Light fixture or luminaire.** A complete lighting assembly that houses a lamp or lamps and can include some or all of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast or driver, a reflector or mirror, and/or a refractor or lens.

**Light trespass.** The distribution of light beyond the boundaries of the property on which the source luminaire is located.



(2009) Image from City of Boulder, CO Revised Code Definitions

**Low impact development (LID).** Site planning and design strategies intended to maintain or replicate predevelopment hydrology through the use of source control and relatively small-scale measures integrated throughout the site to disconnect impervious surfaces and enhance filtration, treatment, and management of stormwater runoff as close to its source as possible. Examples of LID strategies are *pervious* pavement, rain gardens, green roofs, bioretention basins and swales, filtration trenches, and other functionally similar BMPs located near the runoff source.

**Major change.** Any *land development* which, in the reasonable determination of the Planning and Development Department, necessitates or results in a significant change to access; parking, vehicular and/or pedestrian circulation; traffic; drainage patterns or drainage structures; topography; lighting; visual features; natural resources; City services or facilities; improved surfaces; and/or required landscaping. “Major change” shall also mean the establishment of any new non-residential principal use in which no principal buildings are proposed, including uses such as gravel pits, cemeteries, golf courses, parking lots, communications towers, or other non-residential uses.

**Material change.** Any proposed alteration to a previously approved Site Plan and/or previously developed property, which necessitates or results in significant changes to access, parking, circulation, drainage, lighting, or required landscaping on the site. (See Section 3.1)

**Maximum extent practicable (MEP).** To show that a proposed development has met a standard to the maximum extent practicable, the applicant must demonstrate the following: (1) all reasonable efforts have been made to meet the standard, (2) a complete evaluation of all possible management measures has been performed, and (3) if full compliance cannot be achieved, the highest practicable level of management is being implemented.

**Minor change.** Any *land development* which, in the reasonable determination of the Planning and Development Department, is not a *major change*, but does necessitate or result in an appreciable change to access; parking, vehicular and/or pedestrian circulation; traffic; drainage patterns or drainage structures; topography; lighting; visual features; natural resources; City services or facilities; improved surfaces; and/or required landscaping.

**Mounting height.** The height of a light fixture measured as the vertical distance from the grade elevation directly below the luminaire to the lowest direct light-emitting part of the *light fixture* (i.e., luminaire).

**Multifamily dwelling unit.** Any structure containing more than two dwelling units.

**Native species.** Plant species indigenous to the northeastern United States, including those species identified as such by the University of New Hampshire Cooperative Extension.

**Opaque.** Excludes all visual contact between uses, such as between a commercial use and a residential use, and creates a strong impression of spatial separation.

**Outdoor lighting.** The night-time illumination of any outside area or object by any man-made device located outdoors that produces light by any means.

**Parking, bicycle.** A dedicated accessory space, fixture (e.g., a rack), or structure dedicated for the secure storage (whether short-term or long-term) of bicycles.

**Parking, long-term bicycle.** *Bicycle parking*/storage in a weather-protected facility, intended for at least 4 hours of utilization as workday, overnight, or similar long-term bicycle shelter by residents, visitors, and employees.

**Parking, short-term bicycle.** *Bicycle parking* provided by a bicycle rack located in a publicly accessible, highly visible location intended for transient or short-term utilization by visitors to the principal building or use.

**Pervious.** Any natural or man-made land surface with a high capacity for infiltration.

**Place-making.** The act of highlighting, designing and arranging buildings, streets, natural resources, and other distinct elements on the site, such as parks, plazas, public amenities, waterfront, and outdoor markets in a manner that augments and reinforces the area's character, connects residents and passersby with the community, promotes pedestrian activity, and fosters positive user interactions.

**Planning Director.** The Director of Planning and Development for the City of Lebanon, or his or her designee.

**Planning and Development Department.** The administrative office for the Planning Board.

**Principal building (or principal structure).** The building (or structure) which houses the principal use of a lot.

**Principal use.** The primary purpose for which a lot or structure is used.

**Recharge.** The amount of water from precipitation that infiltrates into the ground and is not evaporated or transpired.

**Recreational facility.** Usable outdoor private or public open space that is convenient to most occupants and creates or enhances existing recreational opportunities on or near the site, including but not limited to a park, outdoor dining area, landscaped courtyard, playground or sports area, fitness facility, trail system, or accessible connection to such amenities.

**Redevelopment.** Any construction, alteration, or improvement where the existing land use is commercial, industrial, institutional, governmental, recreational, or multifamily residential. Building demolition and expansion is included as an activity defined as "redevelopment", but building renovation is not. Similarly, removing of roadway materials down to the erodible soil surface is an activity defined as "redevelopment," but simply resurfacing of a roadway

surface is not. Pavement excavation and patching that is incidental to the primary project purpose, such as replacement of a collapsed storm drain, is not classified as redevelopment.

**Reviewing engineer.** The engineer(s) reviewing an application for the Planning Board.

**Screen.** Landscaping, fencing, or functionally similar elements designed to conceal from view all or part of a structure or site that, in the judgment of the Planning Board Board (or, as applicable, the Minor Site Plan Committee), is unattractive or otherwise warrants mitigation of the effect of its appearance.

**Shared streets.** Shared roadway spaces between motor vehicles, pedestrians, and bicycles. The sidewalk and street are typically at the same level. The overall feel of the area signifies to automobile drivers that they are “guests” and should yield to pedestrians and other uses.

**Semi-opaque.** Partially blocks visual contact between uses, such as between a commercial use and an office use, and creates a strong impression of spatial separation.

**Shrub.** A low, woody plant that does not exceed 10 feet in height at maturity.

**Site plan.** A drawing(s) on paper, or other permanent material commonly used for architectural or engineering plans, showing and fully describing the proposed development of a tract or parcel of land.

**Stormwater.** Water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, or is captured by separate storm sewers or other drainage facility.

**Stormwater management plan (SMP).** Plan describing the proposed methods and measures to prevent or minimize water quality and quantity impacts associated with a development or redevelopment project both during and after construction. It identifies selected LID source controls and treatment practices to address those potential impacts, the engineering design of the treatment practices, and maintenance requirements for proper performance of the selected practices.

**Streetscape.** Improvements in or adjacent to a public way, usually along sidewalks or front yard space, installed to support community livability, create visual interest and foster cohesive community identity when achieved as a coordinated set of design elements, such as textured or patterned surfaces, outdoor lighting, seating, tree plantings, accent flags, and planters.

**Total impervious cover.** The sum of Disconnected Impervious Cover plus Effective Impervious Cover.

**Total suspended solids (TSS).** The total amount of soils particulate matter which is suspended in the water column.

**Traffic calming.** General term for a variety of physical design measures intended to modify driver behavior, slow vehicles, aesthetically enhance vehicular corridors, and reduce the noise of motorized vehicle traffic. Relates to adopted City Traffic Calming Policy.

**Transit.** Any vehicle that is used primarily for the transportation of the general public and has a seating capacity of 10 or more passengers.

**Tree, shade.** A deciduous or evergreen tree that can attain a height of more than 30 feet, and whose branches and foliage create a ceiling or upper limit for the other foliage on site.

**Tree, understory.** A small tree, being single or multi-stemmed, that does not normally attain a height greater than 30 feet.

**Universal design.** A general term for buildings and systems that integrate easy-to-use, convenient design and inclusive mobility for people of all ages and physical capabilities; it complements design required by the Americans with Disabilities Act (ADA) and includes age-friendly considerations such as per AARP Livable Communities guidance.

**Water quality volume (WQV).** The storage needed to capture and treat 90% of the average annual stormwater runoff volume. In New Hampshire, this equates to 1-inch of runoff from impervious surfaces. WQV should be calculated using the following equation:  $WQV = (P)(R_v)(A)$ , where:  $P = 1$  inch  $R_v =$  the unitless runoff coefficient,  $R_v = 0.05 + 0.9(I)$   $I =$  the percent impervious cover draining to the structure, in decimal form, and  $A =$  total site area draining to the structure.

**Water quality treatment.** the capture of sediment, nutrients, metals and hydrocarbons suspended in stormwater runoff from impervious surfaces before being conveyed to a storm sewer network or to another water quality treatment system. In most cases where no other local water body impairments exist, adequate treatment refers to documenting the treatment systems ability to remove 80% of the total suspended solids (TSS) on an annual basis. Where water quality impairments do exist adequate treatment refers to a system's ability to meet maximum load allocations or not further impair the receiving water. U. Water Quality Volume (WQV): The storage volume needed to capture and treat the runoff from the 1-inch 24-hour rainstorm for a specific contributing area. WQV shall be calculated using the following equation:  $WQV = (P)(R_v)(A)$ , where:  $P = 1$  inch,  $R_v =$  the unitless runoff coefficient,  $R_v = 0.05 + 0.9(I)$ , where  $I =$  the percent impervious cover draining to the discharge point, in decimal form, and  $A =$  total site area draining to the discharge point.

## **ARTICLE III – ADMINISTRATION**

### **Section 3.1 – Site Plan Review Jurisdiction**

Before the formal submission of a site plan review application for any proposed ***land development***, the property owner and/or developer is encouraged to meet with Planning and Development Department staff to informally review the proposal. The applicant is encouraged to use this opportunity to ask staff questions regarding the site plan review process and applicable design regulations. Staff is generally available to meet in person or by phone, and may also be contacted via e-mail (see the City of Lebanon website for contact information).

#### **A. JURISDICTIONAL DETERMINATION**

1. Any person proposing a ***land development*** shall be required to submit a site plan drawing and project description to the Planning and Development Department to:
  - a. Verify whether the proposed ***land development*** is:
    - i. Exempt from site plan review per Section 3.1.B, or

- ii. Eligible for site plan review by the Minor Site Plan Committee per Section 3.1.C, or
- iii. Requires site plan review by the Planning Board per Section 3.1.C; and

b. To provide a record of such change on the property.

The Planning and Development Department may request additional information as reasonably needed to make the jurisdictional determination.

- 2. The jurisdictional determination of the Planning and Development Department may be appealed to the Planning Board provided the appeal is filed within 20 days of the Department's decision. The Board shall act on the appeal within a reasonable time. Such a determination shall be considered administrative, and no noticed public hearing shall be required for the Board to act on the appeal.

**B. LAND DEVELOPMENT EXEMPT FROM SITE PLAN REVIEW.**

Site plan review shall not be required for any ***land development*** that, in the reasonable determination of the Planning and Development Department, does not necessitate or result in any appreciable change to access; parking, vehicular and/or pedestrian circulation; traffic; drainage patterns or drainage structures; topography; lighting; visual features; natural resources; City services or facilities; improved surfaces; and/or required landscaping, provided that:

- 1. Prior to the commencement of any such ***land development***, a plan depicting the proposed changes shall be provided to the Planning and Development Department to mark the plan approved as an amendment to the approved site plan; and
- 2. The proposed ***land development*** complies with any applicable design requirements of the Site Plan Review Regulations, as determined by the Planning and Development Department.

**C. MINOR SITE PLAN COMMITTEE REVIEW**

Minor site plan approval from the Minor Site Plan Committee in accordance with the procedures set forth in Section 3.2 shall be required for any of the following:

- 1. ***Land development*** involving:
  - a. Any increase of between 500 sq. ft. and 2,500 sq. ft. in the gross floor area of a building and which is also less than 25% of the existing gross floor area of the building; and/or
  - b. Any new improved surface(s) greater than 500 sq. ft. and less than 2,500 sq. ft. Such improved surfaces include but are not limited to, gravel or paved parking areas, driveways, walkways, or other improved surfaces, whether or not such surfaces are pervious or impervious; and/or

- c. An increase in the number of dwelling units within an existing multi-family dwelling of five (5) or more dwelling units, not to exceed 20% of the existing units; and/or
- d. Conversion of an existing building, in whole or in part, to a multi-family dwelling containing fewer than five (5) dwelling units, unless review by the Planning Board is required per Section 601.9 of the Zoning Ordinance; and/or
- e. Conversion of an existing building, in whole or in part, from a residential use to a non-residential use, unless review by the Planning Board is required per Section 601.9 of the Zoning Ordinance.

Notwithstanding the above, where in the reasonable judgment of the Planning and Development Department the proposal constitutes a **major change**, the application shall be reviewed by the Planning Board per Section 3.1.D.

- 2. Any other **land development** that constitutes a **minor change** to a property.

Applications for **land development** that meet one or more of the criteria set forth above and which are submitted less than two (2) years from the date of the last minor site plan approval shall be reviewed by the Planning Board per Section 3.1.D.

#### D. PLANNING BOARD REVIEW

**Land development** that constitutes a **major change** to a property, including any **land development** that exceeds the thresholds set forth in Section 3.1.C.1.a-e, shall require site plan approval from the Planning Board in accordance with the procedures set forth in Article IV.

### **Section 3.2 – Minor Site Plan Review**

#### A. MINOR SITE PLAN COMMITTEE

- 1. **Establishment.** A Minor Site Plan Committee is established in accordance with RSA 674:43, III, and the resolution passed by the City Council on September 1, 2021, for the purpose of reviewing minor site plan applications per Section 3.1.C.
- 2. **Membership.** The Minor Site Plan Committee consists of the Planning and Development Department's Senior Planner and Associate Planner, and a representative from each of the following City departments: Fire, Police, and Public Works. The Senior Planner shall serve as chair and may use his or her reasonable discretion in coordinating the activity of the committee in an efficient and effective manner. The Director of Planning and Development may, at his or her discretion, substitute for the Senior Planner or Associate Planner and may, at his or her discretion, serve as

chair while substituting. A majority of the members shall constitute the quorum necessary to transact business.

**B. REVIEW PROCESS**

1. **Pre-Submission Review.** Prior to submitting an application for minor site review, the applicant is encouraged to meet with the Planning and Development Department for a determination as to the applicability of the Article VI design and construction requirements to the applicant's project. The applicant may request that Planning staff provide the determination in writing. See also Section 3.2.B.8 (Design Standards).
2. **Application.** Fees for a minor site plan application may be assessed in accordance with the Fee Schedule adopted by the Planning Board pursuant to Section 4.2.

Upon receipt of an application for minor site review, the Planning and Development Department shall review the application to determine if it qualifies for minor site plan review per Section 3.1.D and if all required materials have been submitted per Section 3.2.B.7 (Submission Materials). The Planning and Development Department shall coordinate with the applicant to obtain any additional necessary information, documentation, or clarifications to understand the proposal and to help determine if it qualifies for minor site review and if all required application materials have been submitted. The Planning and Development Department shall also make a determination as to the applicability of the Article VI design and construction requirements to the applicant's project, pursuant to Section 3.2.B.8.

If the Planning and Development Department determines that the proposal is a minor site plan and that all required materials have been submitted, the application shall be forwarded to the Minor Site Plan Committee for review. If the plan does not address the applicable design and construction requirements of Article VI as determined by the Planning and Development Department, the Department shall forward the plan to the Minor Site Plan Committee with a recommendation that the application is transferred to the Planning Board per Section 3.2.B.5 (Referral to Planning Board).

Minor site plan applications are subject to the provisions of Section 4.4 which outlines the procedure when approvals from the Zoning Board of Adjustment are required. References in Section 4.4 to the Planning Board shall be deemed to be references to the Minor Site Plan Committee for purposes of this section.

Submission of a minor site plan application shall be deemed as the granting of permission to visit the property in accordance with Section 4.11. References to the Planning Board in Section 4.11 shall be deemed to be references to the Minor Site Plan Committee for purposes of this section.



**3. Public Hearing.**

- a. If the proposal is approved for minor site review, the Planning and Development Department shall set a date for a public hearing before the Minor Site Plan Committee. The date of the public hearing shall be set for no later than 30 days following the submission of the application.
- b. The Planning and Development Department shall send notices to abutters and other parties in accordance with RSA 676:4, I(d)(1) and shall post public notice at least ten (10) days in advance of the public hearing, as specified in RSA 676:4, I(d)(1).
- c. Prior to the opening of the hearing, the Minor Site Plan Committee shall:
  - i. Determine if the application has regional impact in accordance with Section 4.6. References therein to the Planning Board shall be deemed to be references to the Minor Site Plan Committee for purposes of this section. If deemed to have regional impact, the Committee shall refer the application to the Planning Board for review per Section 3.2.B.5.
  - ii. Determine if the application is complete according to the Submission Requirements in Section 3.2.B.7. If it is determined that the application is complete, the Committee shall accept the application. If it is determined that the application is incomplete, the Committee shall vote to find the application incomplete and shall state the reasons for such findings. The Committee may postpone the opening of the hearing to a new date or may require the submission of a new application.
- d. The Committee shall open the public hearing on the completed formal minor site plan application. Any abutter, member of the general public or any person with a direct interest in the matter may testify in person or in writing.

**4. Final Action.**

- a. Following the conclusion of the public hearing, the Minor Site Plan Committee shall either:
  - i. approve the application as submitted;
  - ii. approve the application with conditions;
  - iii. deny the application;
  - iv. decline to make a final decision itself and refer the application to the Planning Board for review per Section 3.2.B.5; or
  - v. request an extension of time from the applicant if needed.
- b. The Board shall provide a written decision within five (5) days of the conclusion of the public hearing.

- c. A digital copy of the approved plan, modified as necessary pursuant to any conditions of approval, shall be provided to the Planning and Development Department by the applicant for digital signature by the Chair of the Minor Site Plan Committee.
  - d. The Planning and Development Department shall provide the Planning Board with a copy of the written decision made by the Minor Site Plan Committee and a copy of the approved plan.
  - e. The time periods set forth in Section 4.10 shall apply to minor site plan approvals. References in Section 4.10 to the Planning Board shall be deemed to be references to the Minor Site Plan Committee for purposes of this section.
5. **Referral To Planning Board.** At or before the time of the Minor Site Plan Committee completeness review under Section 3.2.B.3.c.ii, the Minor Site Plan Committee in its reasonable discretion and/or at the request of the Applicant may transfer the application to the Planning Board. If such a transfer occurs, the Planning Board shall act on the proposed site plan within 65 days following a completeness finding, regardless of whether the completeness finding was made by the Minor Site Plan Committee or the Planning Board.

When an application is referred to the Planning Board for review it shall be treated as a regular site plan application with new notices and a new public hearing, and shall be placed on the next available Planning Board agenda. All applicable procedures of Article IV shall apply except that (a) no additional application fees shall be charged other than for notices, (b) the materials submitted for the minor site plan review shall be adequate unless the Planning Board determines that other materials are needed, and (c) the site plan application deadline shall not apply.

6. **Appeal to Planning Board.** A decision of the Minor Site Plan Committee may be appealed to the Planning Board in accordance with RSA 674:43, III, provided the appeal is filed within 20 days of the Committee's decision. The Planning Board shall hold a public hearing on any appeal, pursuant to the notice requirements and procedures set forth in Section 4.8. Any additional fees for notices shall be paid by the applicant. No new application fee shall be charged. All applicable procedures of Article IV shall apply.
7. **Submission Materials.** An applicant for minor site plan review shall submit the following:
- a. A completed minor site application utilizing a form to be provided by the Planning and Development Department.
  - b. A completed minor site plan technical checklist utilizing a form to be provided by the Planning and Development Department.
  - c. The appropriate fees as established by the Board's fee schedule.

- d. A list of the name(s) and address(es) of all persons to be notified by certified mail in accordance with RSA 676:4, I(d), including the following:
  - i. The Applicant(s);
  - ii. The Owner(s) of record of the site;
  - iii. The Owners of abutting properties;
  - iv. Every surveyor, engineer, architect, soil scientist, or wetlands scientist whose professional seal appears on any plan or document submitted to the Board;
  - v. All persons holding conservation, preservation, or agricultural preservation restrictions (as defined under RSA 477:45) on the subject property, or, when there are no such restrictions on the subject property, the applicant shall provide a definitive statement to that effect;
  - vi. The holders of any easements, rights-of-way, or other restrictions on or over the subject property, or, when there are no such easements, rights-of-way, or other restrictions on the subject property, the applicant shall provide a definitive statement to that effect;
- e. A scaled plan clearly illustrating the proposal, utilizing the approved site plan as a base map, if available, and identifying all abutters. Plans must be sufficiently accurate and detailed so as to:
  - i. Indicate the site location, the address and zoning classification of the subject property, and the uses of adjoining properties;
  - ii. Describe the size, shape, and use of the subject property, together with relevant information about existing site topography, drainage, hydrologic features, vegetation, and other natural features, and about proposed changes to these;
  - iii. Show the size, dimensions, location, and height of existing and proposed structures, expansions to existing structures, or other improvements, including landscaping, parking areas, ramps, walkways, driveways, lighting fixtures, signs, stormwater control devices, exterior waste receptacles, exterior equipment, utilities, solar panels, wind generators, condensers, transformers, or other;
  - iv. Demonstrate conformity with the standards and requirements for proposed developments set forth in Article VI, as determined to be applicable by the Planning and Development Department pursuant to Section 3.2.B.8; and
  - v. Demonstrate full compliance with the Zoning Ordinance, including the conditions of approval of any special

exception or variance granted by the Zoning Board of Adjustment.

- f. Any additional materials and documentation which the Minor Site Plan Committee reasonably requires to fully understand the proposal.

The Planning and Development Department or Minor Site Plan Committee (per Section 3.2.B.3.c.ii) may postpone action on an application that is not complete.

**8. Design Standards.**

- a. The design and construction requirements of Article VI shall apply to minor site plans (i) to the extent reasonably related to the scope of the proposed project, and (ii) to the maximum extent practicable to bring the property into compliance with the Article VI design and construction requirements.
- b. The applicability of the Article VI requirements to an applicant's project shall be determined by the Planning and Development Department in consultation with the applicant. See also Section 3.2.B.1.

## **ARTICLE IV – PROCEDURE**

### **Section 4.1 – Purpose**

The purpose of this article is to set forth the procedure for Planning Board review and action on applications for site plan approval per Section 3.1.D (“Planning Board Review”). The procedure is intended to facilitate the orderly and expeditious processing of such applications.

### **Section 4.2 – Fees**

The Planning Board has established, and from time to time may amend, a Fee Schedule, which is a part of the City of Lebanon Site Plan Review Regulations and is on file at the Planning and Development Department and available on the City's website.

### **Section 4.3 – Conceptual Review**

- A. For any site development, the Applicant may request an informal discussion with the Board, to be conducted in general terms, of the basic concept of the proposed development. The Applicant may end the conceptual discussion at any time. Public notice of the conceptual discussion is not required, but such discussions shall only take place at a formal meeting of the Board. Such conceptual consultation shall not bind either the applicant or the Board in any manner, and statements made by Board members shall not be the basis for disqualifying said members or invalidating any action taken.

While a Conceptual Review is optional, it is strongly recommended, particularly for larger developments, as it can help identify and resolve issues at an early stage and save the applicant the time and cost of changes at a later date.

- B. Not less than two weeks before the date of the scheduled conceptual review, the Applicant shall provide a project description, a written statement addressing how the concept conforms with the Master Plan, and a sketch plan of sufficient accuracy and quality, based on a United States Geological Survey map or similar map, showing the following:
  - 1. Existing property lines of the parcel(s) under review;
  - 2. General topography, to include highlight of slopes in excess of 25%;
  - 3. Prominent natural features of the site, including but not limited to: tree lines, watercourses, flood plains, wetlands, and ledge outcrops;
  - 4. The approximate location and size of existing and proposed buildings, parking areas, roadways, and other improvements.
- C. The conceptual review shall be limited to a discussion of the concept in general terms, for the purpose of familiarizing the Board with the location and type of development, and familiarizing the Applicant with the issues and concerns of the Board. The Board shall consider whether the proposed development is an allowed use in the Zoning Ordinance and in accordance with the Master Plan. The Board shall determine whether the development is compatible with any plans for existing or future roads, utilities, and services. The Board shall focus on the characteristics of the site and its relationship to the surrounding area to determine how well the proposed development fits into the natural environment and the cultural landscape, including historical resources.

#### **Section 4.3.1 – Consultation with City Staff**

As noted in Section 3.1, prior to the submission of an application to the Planning Board, applicants are encouraged to consult with staff from the Planning and Development Department, Fire Department, and Department of Public Works. Such consultations are opportunities for the applicant to ask questions and for staff to identify potential issues or concerns as well as any additional codes and regulations that may apply to the development and which may impact the proposed land development's site design and layout.

#### **Section 4.4 – Procedure When Approvals from the Zoning Board of Adjustment Are Required**

When approvals from the Zoning Board of Adjustment (ZBA) are required by the Lebanon Zoning Ordinance, such ZBA approvals shall be obtained before the Site Plan application will be deemed complete by the Planning Board. Any conditions imposed by the Zoning Board of Adjustment shall not be diminished by the requirements contained in these Regulations. The condition that imposes the greater restriction or higher standard shall be controlling.

Any Site Plan application submitted prior to submission for necessary ZBA approvals will not be accepted by the Planning and Development Department.

#### **Section 4.5 – Procedure When Subdivision Approval Is Required**

When separate Subdivision and Site Plan Review approvals are required for a proposed development, the final subdivision or boundary line adjustment plat establishing the property boundaries shall be approved by the Planning Board before a subsequent Site Plan application shall be considered complete and a public hearing commenced.

Notwithstanding the above, for development projects involving a single application, such as a Planned Unit Development, the Board may, in its discretion, elect to hold both the Site Plan and final Subdivision reviews at the same time, provided that the Board has completed Design Review of the Preliminary Subdivision layout, if applicable, as set forth in the Subdivision Regulations. In such case the Board shall review and determine that the application is complete according to all applicable Regulations before commencing a public hearing. The provisions of both Regulations shall be satisfied.

#### **Section 4.6 – Determination of Potential for Regional Impact**

Upon receipt of an application for development, the Board shall review the application promptly and determine whether or not the development, if approved, reasonably could be construed as having the potential for regional impact, pursuant to RSA 36:54, et seq. Doubt concerning regional impact shall be resolved in a determination that the development has a potential for regional impact.

A development of regional impact means any proposal, which, in the determination of the Board, could reasonably be expected to affect on a neighboring municipality because of factors such as, but not limited to, the following:

- A. The relative number of dwelling units as compared to existing stock. Any proposal that involves 50 or more residential units shall be deemed to have the potential for regional impact;
- B. The relative size of the development. Any proposal that involves 50,000 square feet or more of new non-residential gross floor area shall be deemed to have the potential for regional impact;
- C. The proximity of the development to the borders of a neighboring community.
- D. High-intensity traffic impact on regional transportation networks;
- E. The anticipated emission of excessive light, noise, smoke, odors, or particulates;
- F. The proximity of the development to aquifers or surface water, which transcend municipal boundaries.
- G. The impact on shared facilities, such as schools and solid waste disposal facilities.

The Board may, in its discretion, determine that any project has the potential for regional impact, whether or not the project meets or exceeds the criteria listed above.

## **Section 4.7 – Review for Complete Application**

### **A. Submission Requirements**

1. All required application materials shall be submitted as a single inclusive package, including any appropriate waiver requests as permitted by the Regulations. Submission of a complete application package ensures that the review process by City Staff is as efficient and effective as possible.
2. A complete application shall address or consist of the documents and information required by Article V (Submission Requirements) and Section 6.6.C (Stormwater Management) of these Regulations.
3. For submission requirements which the applicant wishes the Board to waive, the applicant shall provide waiver requests in accordance with Article VII of these Regulations in lieu of providing the information or documents.
4. The applicant shall submit a completed checklist form, provided by the City, indicating all information that has been submitted and any appropriate waivers that have been requested.

- B. Filing Deadline. An application for site plan review shall be filed with the Planning & Development Department no later than 12 Noon of the second Monday of the month (or the following business day if the office is closed) for hearing on the second Monday of the following month, on forms designated by the Planning & Development Department. The Applicant shall pay, in advance, all applicable fees, including the costs of notice to abutters. Failure to pay such fees, including failure to pay any escrow for estimated engineering review fees as may be required pursuant to Section 4.7.C.1 and Section 4.7.E.1, shall render the application incomplete.

The purpose of the above filing deadline is to provide adequate time for City review under Paragraphs C and D below. Submission of any altered, additional, or substitute application materials required by Article V of these Regulations, subsequent to the filing deadline set forth in this paragraph, other than as directed by City Staff, shall cause the application to be deemed untimely filed, and such application shall not be heard until a subsequent month.

### **C. Review by City Staff**

1. Other Department Review. Upon submission of an application, the Planning and Development Department shall forward the application to the Building Inspector, Fire Department, Police Department, Department of Public Works and any other Department or staff person as may be determined by the Planning Director, for review and comment.
2. Engineering Review Determination. Upon submission of an application, the Planning Director shall determine whether the application requires engineering review. Upon such determination, the Planning & Development Department shall forward the application to the Reviewing Engineer. As soon as possible thereafter, the Reviewing Engineer shall

provide the Planning & Development with a cost estimate of the Reviewing Engineer's services. The Planning & Development Department shall then provide the cost estimate to the applicant.

3. Initial Completeness Determination

- a. The Planning & Development Department shall review the application for completeness pursuant to the requirements of Section 4.7.A and Section 5.1. If the Planning & Development Department finds that the application is complete, or lacks only those items or documents for which waiver requests have been submitted, then the Planning & Development Department shall make a preliminary determination of whether the waiver requests meet the standards of Section 7.1 of these Regulations, and if so, then the Planning & Development Department shall recommend to the Board acceptance of the application for review.
- b. If the Planning & Development Department finds that the application is not complete or that one or more of the waiver requests do not meet the standards of Section 7.1, the Planning & Development Department shall so advise the Applicant, who can elect to complete the missing submission requirements. Missing submission requirements, including any necessary waiver requests, shall be delivered to the Planning & Development Department by close of business on the fourth Monday of the month (or the following business day if the office is closed) for submission to the Board the following month. Submission of additional or revised materials by this date is necessary to ensure that the Planning & Development Department has adequate time to review application materials and to prepare a staff report, as needed, for each application listed on the Board's agenda.
- c. If the applicant elects not to complete the missing requirements, fails to deliver all missing submission requirements prior to the deadline as described above, or, if applicable, fails to pay engineering review fees, the Planning & Development Department shall recommend that the Board deem the application incomplete. Prior to acting on the recommendation, the Board shall give the applicant a reasonable opportunity to be heard on the limited issue of completeness.

D. Review by the Planning Board

The Board shall, at its next regular meeting or within 30 days following receipt of an application, determine if the submitted application is complete and shall vote upon its acceptance. Only applications accepted by the Board as sufficiently complete to invoke jurisdiction will be reviewed at a public hearing. Applications requiring engineering review will normally be heard at the next regular meeting of the Planning Board following the Board's finding of completeness and acceptance of jurisdiction.

When an application is submitted to the Board for acceptance as a completed application sufficient to invoke jurisdiction, public notice shall be sent in



accordance with Section 4.8 of these Regulations. The notice may provide that, in the event that the application is accepted as complete, the public hearing on the application may commence at the same meeting. In the event that the Board deems the application incomplete, the public hearing for the application shall be cancelled.

E. Fees

1. Engineering Review Fees

- a. The applicant shall be responsible for the cost of all engineering services utilized by the Planning Board in its review of the application.
- b. Except as set forth in subsection c, the applicant shall provide payment of the estimated engineering reviewing fees in advance, which shall be held in escrow by the City of Lebanon. The Reviewing Engineer's review of the application shall commence upon confirmation by the Planning & Development Department that payment has been received. The escrow account shall be reviewed periodically to assure that sufficient funds are available to cover all review costs, and the applicant shall provide additional escrow as needed.
- c. For smaller projects as determined by the Planning & Development Department in consultation with the Director of the Department of Public Works, the Reviewing Engineer's fees may be billed to the applicant.
- d. If an application is approved and the Reviewing Engineer's fees remain unpaid at the time of approval, payment of the Reviewing Engineer's fees shall be made a condition of approval.

2. Additional Fees for Special Investigative Studies and Expenses. The Board shall have the right to require that the Applicant pay necessary and reasonable fees, in addition to the fees described in Section 4.2 above, sufficient to cover the City's expenses for the costs of special investigative studies review of documents, extraordinary or unusual legal expenses, and other matters that may be required by particular applications.

Before imposing such additional fees upon an Applicant, the Board shall determine what special investigative studies, review of documents, legal expenses, or other matters are required for the application. The Board, by motion, shall determine the necessity of the additional review and shall provide the applicant with an estimated cost for such additional review. The Board shall require the Applicant to pay the amount of estimated fees to the City in advance. Failure to pay the additional review fee shall result in disapproval of the application for lack of adequate information. If the estimate of the additional fees is less than the actual cost, then the Board shall send the Applicant a description and the reasons for the additional cost. The Applicant shall then pay the total actual costs. If the estimate of the additional fees is greater than the actual cost, the difference shall be refunded to the Applicant.

3. No building permit may be issued nor may any site work commence pursuant to any approved plan or application until all fees incurred hereunder are paid in full by the applicant. In the event that it is necessary for the City to take legal action against an Applicant to collect unpaid fees, the City shall be entitled to an award of reasonable attorney's fees incurred in collection of the unpaid amount.

#### **Section 4.8 – Procedure for Site Plan Review**

- A. A proposed site plan shall be reviewed according to the standards contained in Article VI, “Design and Construction Requirements” of these Regulations.

- B. Public Hearing Required

As specified in Section 4.7 of these Regulations, if an application is deemed complete by the Board, the Board may begin the public hearing immediately, if public notice has been given, or shall schedule a public hearing. Applications requiring engineering review will normally be heard at the next regular meeting of the Planning Board following the Board's finding of completeness and acceptance of jurisdiction.

The Board shall give notice as follows:

1. The notice shall include a general description of the proposed site plan that is the subject of the application; shall identify the Applicant and the location of the site plan; and shall state the day, time, and place of the public hearing/meeting.
2. Notice shall be sent by certified mail to the Owner; Applicant, if different from Owner; Abutters; Holders of conservation, preservation, or agricultural preservation restrictions (as defined under RSA 477:45) on the subject property; the holders of easements, rights-of-way, and other restrictions; every engineer, architect, land surveyor, or soil or wetlands scientist whose seal appears on any plan submitted to the Board; and any other persons required by RSA 676:4, I(d). The names and mailing addresses shall be furnished by the Applicant.
3. Notice shall be mailed at least 10 days prior to the public hearing/meeting. For the purpose of these Regulations, in counting days, the day on which the Notice is given and the day of the public hearing/meeting shall be excluded.
4. Notice to the general public shall be given by one publication in a local newspaper of general circulation, at least 10 days prior to the public hearing/meeting.
5. The applicant shall erect a sign along each principal frontage of the lot or project site, as determined by the Planning and Development Department, providing notice of the impending action. Such sign shall be of a design, size, and color approved by the Planning and Development Department in order to maximize visibility of the sign and to call attention to its purpose.

At a minimum, the sign shall include the applicant's name, the project type, the project location, and the time, date, and location of the public hearing on such actions, and instructions for contacting the Planning and Development Department for further information on the action. Any sign required by this section shall be erected at least 10 days prior to the hearing on such matter, and shall be kept in good repair by the applicant (as determined by the Planning and Development Department) until the date and time of the last hearing notified by the sign. The lack of proper signage shall not be deemed to be insufficient notice of hearing unless the Board finds, based on a recommendation by the Planning and Development Department, that the applicant has not made a good faith effort to keep the required sign(s) posted and in good repair, in which case the Board may, at its discretion, continue the hearing to a later meeting to permit time for additional notice by such reasonable means as the Board may specify.

As provided by law, any public hearing/meeting for which Notice was required and provided may be continued without additional Notice. The Board shall announce at the prior public hearing/meeting that such public hearing/meeting shall be continued to a fixed day, time, and place. For a continuance, the records of the Board must contain a statement that such announcement was made and include also the day, time, and place when the continued public hearing/meeting is to be held.

C. Action of the Board

The Board shall act to approve, approve with conditions, or disapprove the proposed site plan within 65 calendar days following the completeness finding by the Board, except that the Board may apply to the City Council for an additional 90 calendar days within which to act upon the application. A waiver of the time period may be agreed to by the Applicant. If the Board has not acted within the 65-day period, the Applicant may obtain from the City Council an order directing the Board to act within 30 calendar days.

If the Planning Board does not act on the application within that 30-day time period, then within 40 calendar days of the issuance of the order, the City Council shall certify on the Applicant's application that the plan is approved pursuant to RSA 676:4, I(c)(1), unless within those 40 calendar days the City Council has identified in writing some specific site plan regulation, or zoning, or other ordinance provision with which the application does not comply. Such a certification, citing this paragraph, shall constitute final approval for all purposes, including filing and recording under RSA 674:37 and 676:18, and court review under RSA 677:15.

D. Notice of Action

For the purposes of these Regulations, the date of the action by the Board is equivalent to the date of the Board's vote for approval, approval with conditions, or disapproval of the site plan.

The Board shall notify the Applicant, in writing, by means of a Notice of Action, sent by certified mail, of its action on the final site plan. The Notice of Action will

be derived from the final approved minutes of the Board and shall be sent to the applicant within 10 days of the minutes receiving final acceptance. In case of disapproval, the Board shall clearly set forth in the Notice of Action the reasons for disapproval, with specific reference to standards contained in these Regulations.

The Notice of Action shall set forth the following:

1. A description of the approved site plan indicating title, date, project number, and preparer of the plan;
2. A description of all specific conditions required by the Board;
3. A description of any modifications or waivers granted by the Board pursuant to Article VII;
4. All requirements for off-site improvements and impact fees, as provided in Section 6.8;
5. All agreements, if any, between the Applicant and Board concerning matters not required by these Regulations, but to be performed by the Applicant;
6. In the case of conditional approvals, a designation of which conditions, if any, must be met prior to the approval becoming final (conditions precedent), and whether or not a public hearing shall be required under RSA 676:4, I(l) to determine if the condition(s) have been met.
7. A reminder of the time limits set forth in Section 4.10 of these Regulations, and where appropriate, any additional time parameters, such as deadlines within which particular conditions must be fulfilled, the threshold levels of work which shall constitute “active and substantial development” or “substantial completion” for purposes of RSA 674:39, or a phased development timetable pursuant to Section 4.9 of these Regulations.
8. Any other provisions deemed necessary by the Board.

The approved site plan and all representations contained thereon or in other documents, plans, reports, materials, or correspondences submitted by the Applicant shall be considered incorporated by reference into the Board’s Action.

#### **Section 4.9 – Phased Developments**

The review and approval procedure for phased developments shall be as follows:

- A. For purposes of these Regulations, “phased development” shall mean a project which the applicant intends to construct in phases over a total period of time which may be in excess of the time limits set forth in Sections 4.10, 8.3.B, or 8.3.C of these Regulations or those in RSA 674:39. Phased development may also include a project for which the Planning Board has imposed a phasing requirement pursuant to Sections 501.1(D) or 502.2(D) of the Zoning Ordinance,

or otherwise, in order to mitigate the impact of a development on community facilities, services, or utilities.

- B. The development shall be reviewed and approved as a whole under these Regulations, and shall be treated as a whole for purposes of applying all development review standards, criteria, and submission requirements.
- C. The applicant shall submit with the application a proposed phasing schedule, which, if approved by the Board, shall be included as part of any approval. The phasing schedule shall include the following information, for each phase:
  - 1. A specification of all improvements, on-site or off-site, to be installed as part of that phase;
  - 2. A deadline for the posting of any required security for that phase;
  - 3. A deadline for the completion of such improvements subsequent to the posting of such security, and;
  - 4. A date by which a Building Permit must be obtained to prevent the approval for that phase from being considered void pursuant to Section 4.10 of these Regulations.

The phasing schedule may also specify threshold levels of work and time lines which must be completed, in order for the project, as a whole, or particular phase(s) of the project, to be considered “vested” pursuant to RSA 674:39, or the New Hampshire common law of vested rights.

The approval for a particular phase shall not be considered “final” under RSA 676:4, I(i), nor shall any plan of that phase be recorded in the Grafton County Registry of Deeds, until the security for the improvements which are part of that phase has been properly posted with the City or until such required improvements have been completed, inspected, and approved by the City.

- D. In determining whether to grant an applicant’s request for phased development, or to approve a proposed phasing schedule, the Board shall consider the totality of the circumstances, including but not limited to the following factors:
  - 1. The extent to which review of the development in its totality is logical and reasonable due to the degree to which the proposed phases are well-integrated, both as to their use and development scheme, and as to common infrastructure and other improvements, by contrast with a series of superficially-related projects, which could just as effectively be reviewed individually.
  - 2. The extent to which phasing will benefit the City by mitigating and making more predictable the impacts of the complete development upon community facilities, services, utilities and other City goals as set forth in the Master Plan.

3. The degree to which the integration of the phases, as described above, would make private investment in such improvements unlikely without the predictability of a phased approval.
  4. The extent to which the proposed phasing schedule represents a realistic timeline for active and substantial development progressing at a steady pace, in light of the type and complexity of the project as a whole, rather than an attempt to maintain “vesting” during significant periods of non-development.
  5. The total length of time proposed, and the degree of unpredictability or Board uncertainty involved, with respect to whether a later phase or phases will continue to meet current regulations at the time of construction, and in light of potential changed conditions which might occur in the meantime within the neighborhood or the City as a whole.
- E. Prior to obtaining a Building Permit for each later phase, the applicant shall submit to the Planning Director a copy of the Building Permit application. The Planning Director shall then determine whether the application is in accordance with the approved phasing schedule, and whether any required security for that phase has been provided to the City.

If the development is proceeding in accordance with the approved phasing schedule, the later phase(s) shall normally be presumed to be “vested” against changes in City land use ordinances and regulations, except as otherwise specified by the Board as part of its approval. However, the Planning Director may determine that, due to specific circumstances, including but not limited to non-compliance with applicable regulations or conditions of approval, a later phase or phases should not be considered “vested” under RSA 674:39 or the New Hampshire common law of vested rights. In such a case, the Planning Director may forward to the Planning Board a recommendation to initiate proceedings, using the procedures of RSA 676:4-a as applicable, to revoke approval of an unbuilt phase or phases.

- F. If the applicant anticipates being unable to meet any time deadline(s) set forth in the approved phasing schedule with respect to any phase, he or she may apply to the Planning Board for an extension of up to two years for the particular phase, pursuant to Section 4.10 of these Regulations. The request for an extension shall be submitted to the Planning and Development Department prior to the expiration of the deadline(s) involved.

If the applicant fails to meet any such deadline, or extension thereof, then the approval of that phase and all subsequent phases shall be considered void, and such phase(s) shall no longer be presumed “vested.” However, the applicant may resubmit the application for such phase(s) to the Board for further review and re-approval in light of changes in ordinances, regulations, or other material circumstances which have occurred in the City of Lebanon since the original approval.

#### **Section 4.10 – Expiration of Site Plan Approval**

- A. Any approved site plan for which a Building Permit has not been obtained within two (2) years of the date of the original approval shall be considered void; however, the Board may, for good cause, specify in the original Notice of Action some alternative time limit for obtaining a Building Permit. The voiding of an approval under this paragraph shall terminate the vesting of the application against changes in regulations, as set forth in RSA 676:12,VI and RSA 674:39.
- B. Notwithstanding paragraph A above, the Board may grant an extension of up to two (2) additional years beyond the original expiration date. A request for such an extension must be submitted by the Applicant to the Planning and Development Department prior to such expiration date, and requests for extension of the site plan approval received after the expiration date will not be considered by the Board. An extension may be granted only after a public hearing with notice as provided in Section 4.8 of these Regulations.
- C. In determining whether to grant such an extension, the Board shall consider the totality of the circumstances, including the extent and complexity of the conditions precedent, the extent of the progress made by the Applicant toward satisfying the conditions-precedent and/or starting construction, and whether the need for more time is attributable to unusual circumstances beyond the control of the Applicant, rather than to the Applicant's neglect or failure to proceed with reasonable promptness. The Board shall indicate in its minutes the reason(s) for its decision on an extension request under this Section. The Board shall grant no more than one extension for any site plan, unless it determines, based on legal advice, that such extension is required in order to prevent a violation of constitutional rights.
- D. For applications subject to both Site Plan and Subdivision review, expiration of Board approvals shall occur as set forth in the Subdivision Regulations.
- E. For approved phased developments, the deadlines for obtaining a Building Permit for each phase, as stated in the approved phasing schedule in accordance with Section 4.9.C(4) of these Regulations, shall be substituted for the time limitation set forth in Section 4.10(A). Any request for an extension of time for a particular phase, as described in Section 4.9.F of these Regulations, shall only apply to the particular phase, and such extension shall not automatically apply to any later phases of the development.

#### **Section 4.11 – Permission to Visit Property**

- A. For the City to effectively and efficiently review Site Plan applications, City Staff, members of the Planning Board, abutters, and others providing testimony must have the ability to enter the property that is the subject of an application.
- B. Submission of a Site Plan application shall be deemed as the granting of permission for City staff, Lebanon Planning Board members, and others attending the public hearings, to enter onto the property for purposes of review, during orderly visits, subject to reasonable notice. It shall be assumed that this permission is extended until the Board has acted to formally approve or disapprove an application. If for any reason an applicant wishes to place some limitation upon such access, the applicant shall so inform the Planning and Development Department at the time of submission of the Site Plan application.

- C. The property owner retains all rights to withdraw permission to enter onto the property at any time. However such withdrawal of permission prior to the completion of the Site Plan Review process may result in the Board's disapproval of the application for lack of sufficient information.

## **ARTICLE V – SUBMISSION REQUIREMENTS**

### **Section 5.1 – Drawings and Other Submittals**

Applications reviewed by the Planning Board shall contain sufficient information to enable the City Staff and the Planning Board to evaluate the proposed development for compliance with the Zoning Ordinance, the Planning Board's Regulations, and other applicable City Codes, and for the Planning Board to make an informed decision.

An application for Site Plan Review shall include the following information:

- A. A properly completed and signed application form.
- B. The appropriate fees as established by the Board's fee schedule.
  - 1. Additional review fees may be required pursuant to Section 4.7.C.1 & Section 4.7.E.1, which shall be due and payable in the manner prescribed by Planning & Development Department policies and procedures.
- C. A written project description.
- D. A list of the name(s) and address(es) of all persons to be notified by certified mail in accordance with RSA 676:4, I(d), including the following:
  - 1. The Applicant(s);
  - 2. The Owner(s) of record of the site;
  - 3. The Owners of abutting properties;
  - 4. Every surveyor, engineer, architect, soil scientist, or wetlands scientist whose professional seal appears on any plan or document submitted to the Board;
  - 5. All persons holding conservation, preservation, or agricultural preservation restrictions (as defined under RSA 477:45) on the subject property. (NOTE: When there are no such restrictions on the subject property, the applicant shall provide a definitive statement to that effect.);
  - 6. The holders of any easements, rights-of-way, or other restrictions on or over the subject property. (NOTE: When there are no such easements, rights-of-way, or other restrictions on the subject property, the applicant shall provide a definitive statement to that effect.).



- E. Paper copies of the proposed Site Plan drawing (the number to be determined by the Planning and Development Department on an as-needed basis).

Plans shall be submitted on sheets no larger than 24" x 36". Plan sets with multiple sheets shall include sheets of uniform size and be bound on the left edge. When more than three (3) sheets are required, an additional cover sheet of the same size shall be attached including a table of contents. A scale of not smaller than one (1) inch equals 40 feet is suggested. All lettering shall be of a size and type that is legible.

In order to facilitate the use of the City's Geographic Information System (GIS) for planning purposes, all surveys and engineered plans submitted for Site Plan Review shall utilize the NH State Plane Coordinate system and shall reference the North American Vertical Datum of 1988 (NAVD 88), unless prior approval to use an alternate coordinate system and/or vertical datum is granted by the Planning and Development Department.

Site Plan drawings shall include the following information (NOTE: The submission requirements described in paragraphs E.1 through E.4 below shall not be waivable under the procedures set forth in Article VII - "Waiver Procedure" of these Regulations):

1. A vicinity sketch showing the location of the site in relation to the surrounding public street system (suggested scale: one (1) inch equals 500 feet).
2. The names and mailing addresses of the Applicant; the Owner(s) of record of the site; the Owners of abutting properties; and the Holders of any easements, rights of way, or other restrictions, based on the current records of the City Assessor available at City Hall, not more than 5 days before the date of filing of the application.
3. The names and business addresses of the preparer(s) of the plan and every surveyor, engineer, architect, soil scientist, or wetlands scientist whose professional seal appears on any plan or document submitted to the Board.
4. The following information shall be provided on the first page (or cover page, if applicable) of the Site Plan:
  - a. The name of the City and County in which the development is proposed;
  - b. A north arrow;
  - c. The scale of the plan;
  - d. The date of the plan and of any revisions to the plan;  
(NOTE: The date on the plan at the time of the initial submission to the City for application review shall be included on all subsequent submissions to the City. Any subsequent change(s) to the plan shall include a revision date and description of the revision(s).)

- e. The following basic site information in TABLE FORM:
- (1) Zoning designation for the subject property;
  - (2) Tax Map and Lot number(s) for the subject property;
  - (3) Area of lot;
  - (4) Gross floor area of existing and proposed buildings/additions;
  - (5) Number of existing and proposed on- and off-street parking spaces as a table. The table must identify (i) the number of required (minimum) parking spaces and the permitted (maximum) number of parking spaces and the calculations for each, (ii) future proposed, and (iii) existing parking capacity. If the site is part of an existing development or subdivision, the master table must provide such information for all related sites and phases, individually and as a project total;
  - (6) Number of existing and proposed short- and long-term bicycle storage spaces;
  - (7) Number of existing and proposed loading spaces;
  - (8) Height of existing and proposed buildings/additions;
  - (9) Number of stories and gross square footage of each;
  - (10) Proposed use;
  - (11) Required and proposed front, side, and rear yard setbacks;
  - (12) Maximum allowable lot coverage with existing and proposed calculations, and;
  - (13) Indication as to whether or not the parcel is subject to any City Overlay Districts pursuant to Article IV of the Zoning Ordinance (for example, the Wetlands Conservation District or Flood Plain District) or to NHDES Comprehensive Shoreland Protection jurisdiction.
5. A current survey certified by a land surveyor licensed in New Hampshire, depicting the perimeter boundaries of the lot(s) of the proposed site, including compass bearings, distances, and lot areas, and depicting the location of any existing improvements on the property and the width and location of any rights-of-way and/or easements on the property.
6. Existing and proposed grades, including topographic contours, with spot elevations. Where the grade is less than 20%, the contours shall be at 2-foot intervals; otherwise they shall be at 5-foot intervals. All contours shall be referenced to USGS or FEMA Flood Insurance Rate Map (FIRM) datums, as appropriate. Existing topographic information shall be prepared by a professional engineer registered in New Hampshire or land surveyor licensed in New Hampshire.
7. The shape, size, height, and location of all existing structures, located on the site and within 200 feet of the site. Elevation views indicating shape, size, height, and location of all proposed structures, including expansions of or additions to existing buildings. Such elevation views shall provide sufficient detail to allow for review by the Board and City staff of the adequacy of proposed access and egress points, walkways, lighting, and other site-related improvements.

8. The location of existing natural features such as streams, marshes, lakes, ponds, wetlands, rock outcrops, or wooded areas, and existing man-made features such as roads and structures. The plan shall indicate those natural and man-made features that are to be removed, retained, or altered. Wetlands on the property shall be delineated by a NH Certified Wetlands Scientist, whose seal and signature shall appear on the plan. In addition, documentation in the form of the U.S. Army Corps of Engineers New England District Wetlands Delineation Data Sheets and/or other field notes and materials concerning the delineation shall be submitted to the Planning and Development Department.
9. The Zoning District, Tax Map and Lot number, and use of abutting properties within 200 feet of the site boundary; the locations of streets, pedestrian paths/trails, and bicycle routes within 200 feet of the site boundary; and the location of curb cuts and vehicle accesses within 200 feet of the site boundary.
10. Proposed streets, driveways, emergency vehicle accesses, parking spaces, and sidewalks, with indication of dimensions and direction of travel. Show required sight distances at curb cuts and dimensions for the inside radii of all curves. Vehicle and **bicycle parking** spaces shall be numbered. Loading spaces and facilities used in connection with any structures on the site shall be shown. The total square footage and percentage of the lot covered by impervious cover shall also be shown.
11. Parking area safety measures including raised crosswalks/speed tables, signage, walkway lighting, striping and similar markings such as dedicated pedestrian/bicycle crossings and lanes through parking areas, fire lanes, compact and/or **electric vehicle parking/charging**, parking wayfinding, ADA signage and access aisles.
12. The size and location of all existing and proposed public and private utilities. Applications may not be submitted that rely on the use of utilities planned or under construction unless the proposed utilities are part of the application.
  - a. If a Site Plan is proposed to be served by public wastewater services, no Planning Board approval shall become final until a Notice of Permitted Allocation has been obtained pursuant to City Code Chapter 136. In order to avoid delays, the Applicant is encouraged to submit a Sewer Use Permit Application and obtain a Notice of Permitted Allocation prior to submission of the Site Plan Review application in order to verify the availability of sewer capacity and to reserve such capacity for the proposed development.
  - b. If a Site Plan is proposed to be served by public water supply, no Planning Board approval shall become final until a Water Use Permit has been obtained pursuant to City Code Chapter 182. In order to avoid delays, the Applicant is encouraged to apply for and obtain a Water Use Permit prior to submission of the Site Plan

Review application in order to verify the availability of water capacity and to reserve such capacity for the proposed development.

13. A plan for outdoor lighting showing the proposed location mounting height, fixture type, lamp type, color correlated temperature (CCT), and wattage of all exterior free-standing or building-mounted light fixtures, as well as analyses and illuminance-level diagrams, to include average and minimum foot-candle measurements, showing that the proposed installation conforms to the lighting level standards in these Regulations. Manufacturer's specification information shall be provided for each proposed light fixture and lamp. The plan shall also include drawings of all relevant building elevations, showing the location and height of all building-mounted fixtures, the portions of any walls or architectural features to be illuminated, the illumination levels of the walls or architectural features, and the aiming points for any remote light fixtures.
14. A plan for the location of free-standing or building-mounted signs, including the location, mounting, aiming, and shielding of any remote light fixtures for externally-lit signs. For internally-lit signs, relevant information concerning the method of illumination and the opacity of the sign background shall be provided, showing that the proposed installation conforms to the requirements of these Regulations.
15. The location and boundaries of any Overlay Districts established pursuant to Article IV of the Zoning Ordinance (including but not limited to the Wetlands Conservation District, Riverbank Protection District, Steep Slopes District, and Floodplain District) and, if applicable, protected shorelands pursuant to the Shoreland Water Quality Protection Act (NH RSA 483-B). For properties located within the Floodplain District, the 100-year flood elevation, floodway, shoreland protection zone, and flood plain limits shall be identified.
16. A landscaping plan showing proposed new plantings to be installed and existing natural vegetation to be retained. The combination of existing and new plantings must meet or exceed the required total as set forth in these Regulations. The plan shall show in detail the number, size (height and/or caliper), and species (botanical and common names), of all proposed shrubs and trees. Existing trees over 12 inches in diameter, measured 4.5 feet above the ground surface, and within 25 feet of the disturbed area, must be counted and shown on the plan, if included towards fulfilling the landscaping requirements. All calculations for square footage of perimeter landscaping shall be shown. All landscape plans shall show parking lot shading calculations by depicting new trees and shrubs at their 10-year crown size.
17. All existing and proposed surface and subsurface storm drainage facilities, including City storm drainage facilities located within 200 feet of the site. Plans for retention, detention, slow release, and treatment of storm water shall be provided, in accordance with the requirements of section 6.6.

18. See Section 6.6. (Stormwater Management) for additional submission requirements.
  19. Plans for snow removal and storage.
  20. A plan for the development showing provisions for automobile, **transit**, bicyclist, and pedestrian access and circulation. Such plan shall show both existing and proposed means of access to the site including connections with, public streets, sidewalks, **transit** stops, and formal paths/trails. Plans shall include any **traffic calming** and traffic control devices necessary in conjunction with the site development, as well as the location of all existing **transit** routes and **transit** stops located or passing within 1/4 mile (1,320 feet) of the property.
  21. Construction detail drawings including, but not limited to, pavements, walks, steps, curbing, drainage structures, water and/or sewer utilities, ground-mounted signage (e.g., fire lanes, ADA parking, commercial), surface treatments, **transit** shelters, energy generation units (e.g., solar), bike rack style, **electric vehicle charging**, outdoor lighting, outdoor furniture, retaining walls, tree boxes and other site systems or structures. Accompanying specifications and cutsheets may be required. Where applicable, roadway, drainage, water and sewer utility profile drawings shall be provided at a scale of 1"=40 feet (horizontal) and 1"=4 feet (vertical) and typical cross-section drawings shall be provided at a scale of 1"=5 feet (horizontal and vertical), unless prior approval to use an alternate scale is granted by the Reviewing Engineer. (NOTE: Ordinarily, only two (2) sets of such construction drawings shall be provided to the Planning and Development Department with the application submission.)
  22. Depict any current and proposed easements, rights-of-way, and deed restrictions including those related to sewer, electrical utility, shared access, etc.
  23. For multi-family structures, plans for on-site recreational facilities.
  24. Where a fire, emergency equipment, or similar vehicle turnaround area is provided, it must have an adequate turn radius. Provide CAD Autoturn data or a similar basis of design for the turn radius, if requested by Lebanon Fire or Engineering staff. City staff may also ask for this information at any time.
- F. A digital copy of the Site Plan drawings (.PDF format) shall be provided depicting the information required under Paragraph E above.
- G. The following supporting documents and information:
1. An estimated timetable, to include phasing schedules (where applicable), for construction and completion of buildings, parking facilities, landscaping, and other required improvements.
  2. Any development estimated to generate a net increase of 100 peak hour trips or 1,000 average daily trips (based upon the most current edition of

the Institute of Transportation Engineers' Trip Generation Manual) shall prepare and submit a Traffic Impact Study in accordance with standard traffic analysis conventions as set forth by the NH Department of Transportation. The Board may, at its discretion, require the submission of a Traffic Impact Study for developments estimated to generate less than 100 peak hour trips or 1,000 average daily trips if the Board has reason to believe such development could adversely affect levels of service or have other adverse impacts.

3. Written requests for waivers from all applicable provisions of these Regulations shall be provided pursuant to Article VII - "Waiver Procedure."
4. For multi-family dwelling developments and mixed-use developments resulting in a net increase of 50 dwelling units or more, the application shall include the information and impact statements identified in Section 6.9.B.

### **Section 5.2 – Additional Information**

The Board may require such additional information as may be reasonably necessary for the purpose of these Regulations including, but not limited to, the information noted below:

- A. Where deemed appropriate, the Planning Board may require the applicant to obtain and provide a letter, if feasible, stating agreement by the public utilities, electrical utility, and cable television companies to serve the site, including for planned installations of ***electric vehicle charging***. This letter shall include the size/capacity and location of existing off-site public or private utilities with which connections are planned or located within 100 feet of the site.
- B. Depending on the complexity of the proposed project, the Board may require the submission of a digital copy of the site plans in a CAD .dwg file or similar format for City Staff to more effectively and efficiently review the proposed development.
- C. Such investigative studies or reviews as deemed necessary by the Board in accordance with Section 4.7.E.2 of these Regulations.
- D. The Planning Board may require any or all of the information and impact statements identified in Section 6.9.B if the Board has reason to believe the proposed development could have a significant impact on municipal or school services or finances.

In the event that additional information is so required, and if the Board's request is not made to the Applicant prior to the public hearing, the Board may continue the public hearing to a specified date, time, and place. Additional information provided by the applicant, whether or not such information was required by the Board, shall be submitted to the Planning and Development Department at least two (2) weeks prior to the date to which the Board continued the public hearing in order to provide City staff with sufficient time to review and comment on the information. Submitting information to the Board less than two (2) weeks prior to the date to which the Board continued the public hearing may result in a delay in the review of such information by City staff and the Planning Board.

## **ARTICLE VI – DESIGN AND CONSTRUCTION REQUIREMENTS**

The Planning Board shall approve the proposed site plan only upon determination that the following requirements have been met:

### **Section 6.1 – General Requirements**

- A. The site shall be of such character that it can be used safely for the construction and installation of the improvements, without excessive grades, inadequate drainage, and other hazardous conditions. Site clearing shall be kept to the minimum required for the construction of buildings and improvements, taking into consideration the need for pedestrian and vehicular safety and the need for natural light and air. Natural cover shall be retained to the extent possible and reasonable. The overall intensity of site development shall be harmonious with the municipality, the neighborhood, and adjacent properties.
- B. Site plans shall be prepared in accordance with all applicable local, state and federal ordinances, laws, codes, regulations, and requirements. See also Section 1.6.A (“Compliance”).
- C. Site and structural improvements should be in harmony with the recommended performance, design and community character goals stated in current City design standards, policies, plans, vision studies or similar references.
- D. A modification or set of modifications to an existing developed property that requires site plan review under these regulations may require the applicant to propose commensurate modifications that bring the property into greater compliance with the Site Plan Review Regulations.

### **Section 6.2 – Landscaping Standards**

#### **A. Purpose**

Landscaping shall be required around the perimeter of the parcel, in the parking area, and around the buildings to meet the following objectives:

- 1. To enhance the overall visual attractiveness of the building, the site, and the City;
- 2. To protect and preserve the appearance, character, and value of surrounding neighborhoods by improving the compatibility between different land uses in the City and by buffering neighboring properties and areas from any adverse effects of site development;
- 3. To mitigate the appearance and aesthetic impact of accessory uses (such as loading areas, dumpsters, utility equipment and areas, storage areas, and parking areas) with appropriate screening and landscaping as warranted;
- 4. To facilitate safe movement of pedestrian and vehicular traffic onto, around, and over a site, and to protect pedestrian movement in areas with vehicular traffic;

5. To mitigate increased temperatures caused by large expanses of unshaded asphalt;
6. To reduce erosion and protect wetlands, surface waters, and aquifer recharge areas;
7. To promote energy efficiency and conservation through landscaping and site design; and,
8. To soften glare, filter noise and air pollution, create privacy, and provide an attractive boundary between properties.
9. To reduce storm water peak flow rates and maintain existing water quality

**B. Perimeter Landscaping**

1. A minimum landscaped area along the front, side, and rear property lines shall be provided. This area shall be a minimum of 15 feet in width for the length of each property line and shall comply with the design requirements set forth in Sections 6.2.B.2-7, 10 and 11.
  - a. Exception. Development in the Central Business (CB) District and Lebanon Downtown (LD) District shall provide the required perimeter landscaping in accordance with the design requirements set forth in Sections 6.2.B.2-7, 10 and 11, except within those portions of the required perimeter landscaped area proposed to be occupied by (i) a building, and/or (ii) a parking area located in the side and/or rear yard. The purpose of this exception is to avoid a conflict between the minimum 15 ft. perimeter landscaping requirement and the CB District and LD District zoning regulations which, except as otherwise provided in the Zoning Ordinance, do not require a minimum setback along the front and side lot lines (see Sections 306.3 and 307.3 of the Zoning Ordinance), and which require a rear setback of only 10 ft.
2. The perimeter landscaped area shall be planted with intermittent vegetation from the ground level to at least 30 feet in height at maturity, and shall be planted at a minimum with one (1) **shade tree** plus a mix of shrubs and **understory trees** totaling at least 5 plants for each 600 square feet, unless the Planning Board determines that a semi-opaque or an opaque buffer is required.
3. Within the landscaped areas, the Applicant shall propose a mix of **shade trees**, **understory trees**, shrubs, well-kept grassed areas, and ground cover that is appropriate for the site, its environment, and its surroundings. All new plant material shall be nursery-grown stock. During site plan review, the Planning Board may require a different mix and/or different treatments, including additional trees, if it determines that such changes further the objectives of these Regulations.
4. At the time of planting, all deciduous trees shall be a minimum 2.5 to 3 inches in caliper, measured 6 inches above the finish grade level; all



evergreen trees shall be a minimum of 6 to 7 feet in height. Where appropriate, the Planning Board may require larger trees at the time of planting. Said trees shall be planted no closer than 8 feet to any property line. New trees may include evergreens not to exceed 25% of the total, unless determined by the Planning Board to be necessary for screening.

5. Shrubs shall be planted as a mix, ranging from 50% to 70% flowering, with the remainder being evergreen. At the time of planting, all shrubs, whether deciduous or evergreen, shall be 24 to 30 inches in height and/or 18 to 24 inches in spread.
6. Where necessary to mitigate the impact of a land use on neighboring properties or the neighborhood, the Planning Board will require that all or some of the perimeter landscaping required herein be planted as an opaque or semi-opaque buffer, and increased in width pursuant to the following chart:

Additional Width and Opacity for Perimeter Landscaping

PROPOSED LAND USE	EXISTING LAND USE				
	Retail	Office	Industrial	Multi-family	Single-family
Retail	*	0'/s	5'/s	10'/o	10'/o
Office	0'/s	*	5'/s	5'/o	5'/o
Industrial	5'/s	5'/s	*	10'/o	10'/o
Multifamily	10'/o	5'/o	10'/o	*	0'/s

Legend: o = opaque; s = semi-opaque; \* = perimeter landscaping

Example: If a retail development is proposed to be constructed on land next to a residential development, then the width of the perimeter landscaping along the common boundary line must be increased by 10 feet over the basic 15-foot requirement, for a total of 25 feet, and the planting must meet the requirements for an opaque buffer.

7. Buffers and screens shall be either opaque or semi-opaque, as determined by the Planning Board, based on the width of the landscaped area and the extent of negative impact of the use or facility being screened or buffered.
  - a. The opaque buffer is opaque from ground level to 6 feet in height, with intermittent vegetation from 6 feet to at least 30 feet in height. It shall be planted at a minimum of one (1) **shade tree** or evergreen tree with conical shape and one (1) **understory tree** per 300 square feet, with as many evergreen shrubs as necessary to exclude all visual contact from ground level to 6 feet in height.

- b. The semi-opaque buffer is opaque from ground level to 3 feet in height, with intermittent vegetation from 3 feet to at least 30 feet in height. It shall be planted at a minimum of one (1) **shade tree** and one (1) **understory tree** per 300 square feet, with as many shrubs as necessary to partially block visual contact from ground level to 3 feet in height.
8. Screens at least 5 feet in width shall be provided for service areas and facilities (such as garbage and waste disposal containers, recycling bins, and loading areas; outside storage areas; and electrical and mechanical equipment, such as transformers and compressors), or for any other similar facilities or areas required by the Planning Board. Screens may be incorporated within any of the minimum landscaped areas required herein.
9. A buffer or screen may include fencing, subject to the approval of the Planning Board. A buffer or screen may be combined with storm water infiltration strips and bio-filtration areas as long as the requirements of both the perimeter landscaping and storm water management are met.
10. Trees spaced no greater than 40 feet on center shall be provided along all street frontages in order to create a definition of the street with regularly spaced **shade trees** appropriate to the neighborhood. These trees may be counted toward the amount of planting required in the perimeter landscaped area.
11. Plants, other than trees along street frontages, should be placed in a random manner to blend with the natural landscape and to avoid a linear plantation appearance, unless designed by a landscape architect. Plants shall be placed at intervals appropriate to the size of the plant at maturity. Shrubs shall be spaced to achieve touching of branches in 3 years when used for opaque or semi-opaque buffers.

C. Additional Buffers

The Planning Board may require wider buffers when required by overlay districts or when required by special circumstances associated with the parcel, such as roadways of special character or those designated by the City as scenic roadways, commercial development abutting residential development; and proximity to natural resources and historic landmarks.

D. Landscaping Around Buildings

1. Landscaping around buildings shall be provided to a minimum width of 10 feet and planted with trees, shrubs, and ground cover appropriate to the architecture in order to buffer parking areas, define entrances, provide foundation planting, and soften large expanses of walls or long roof lines.
2. As part of the landscape design, functional features (such as patios, entrance walks, and loading areas that cross through the landscaped area to the building) may be permitted if they are necessary for the normal functioning of the building.

E. Landscaping of Parking Areas

To moderate summer temperatures due to heated pavement, minimize the visual effects of parking areas, provide separated space for pedestrians to walk through parking lots, and support on-site stormwater management, parking lots shall be dispersed by landscaped beds and integrated with pedestrian access, as follows:

1. Those areas containing one or two rows of parking spaces shall be planted with deciduous trees along the perimeter, so placed to shade 30% of the total parking area, and supplemented with shrubs, perennials, or ***understory trees*** to visually ***screen*** the parking area.
2. The end of each row of parking shall have a landscape bed to protect any vehicle parked next to a travel lane. End beds shall be at least 8 feet in width, except for corner radii, shall be long enough to protect tree roots and vehicles parked in the adjacent parking spaces, and shall be planted with deciduous trees for shade.
3. Any parking area containing three or more rows of parking shall be planted along the perimeter as stated above, and also shall have landscape islands placed between each double row of parking spaces, exclusive of aisles. These landscape islands shall have a minimum width of 8 feet, shall extend the length of the row of parking spaces, shall be planted with deciduous trees for shade, and shall terminate on each end with a landscape bed. If linear landscape islands are not practicable, then other interior landscape islands of equivalent size and evenly distributed throughout the parking lot may be allowed.
4. Any single or double row of parking longer than 100 feet shall be dispersed every 100 feet or less by a landscaped bed that is at least 8 feet by 8 feet, exclusive of curbing. The Planning Board may exclude from this requirement any row of parking that abuts a landscaped area along the full-length of the row.
5. The perimeter of the parking area shall be delineated by the curbing, pavement edge, and fencing that encircles the parking area.
6.
  - a. The number of trees required to meet the 30% shading requirement for parking areas shall be calculated on a minimum crown diameter of 30 feet, which each tree shall have attained within 10 years from planting.
  - b. Trees at maturity must have a trunk diameter of at least 12 inches, measured 4 feet above the ground surface.
7. Required landscaped islands and beds, particularly in areas related to traffic, access, and parking, shall, to the maximum extent practicable, be designed to concurrently fulfill other site plan regulation requirements, such as for pedestrian facilities, lighting, snow storage and drainage, utilities, open space/recreation, and stormwater management (e.g., LID) features, so as to maximize land use efficiency.

F. Erosion Control

1. Graded areas shall be vegetated to insure erosion control by seeding, mulching, and fertilizing. Disturbed areas shall be planted with suitable plant materials.
2. Grading shall not exceed a ratio of 3 horizontal to 1 vertical without special erosion control measures. Netting or similar material shall be provided on slopes with a ratio greater than 3:1 while ground cover is being established.

G. Protection of Surface Water

The Planning Board may require retention of natural vegetation and/or establishment of vegetation and plantings along wetlands, rivers, streams, and other bodies of water in order to protect surface water quality and enhance the riparian habitat.

H. Maintenance and Materials

1. The property owner shall be responsible for maintaining all landscaping, to include grass and mulch, in good, healthy condition so as to present a neat and orderly appearance. The property owner shall replace any unhealthy or dead plant materials in conformance with the landscape plan approved by the Board as part of the site plan.
2. The property owner shall plant materials appropriate to the site's soil and moisture conditions, as well as its proximity to substantial open space and wildlands.

All plant stock intended to fulfill these landscaping requirements must be hardy to Zone 4 or lower.

Plants tolerant of salt shall be planted in areas where they are likely to be exposed to dust and salt, such as in parking areas or along driveways. Suggested salt-tolerant species are listed below:

**Shade Trees for Dusty, Salty Locations**

<i>Acer ginnala</i>	Amur maple
<i>Crataegus spp.</i>	Hawthorne
<i>Gleditsia triacanthos</i>	Honey locust
<i>Tilia cordata</i> 'Greenspire'	Greenspire linden
<i>Tilia cordata</i>	Littleleaf linden

**Evergreen Trees for Dusty, Salty Locations**

<i>Pinus nigra</i>	Austrian pine
<i>Pinus resinosa</i>	Red pine
<i>Pinus sylvestris</i>	Scotch pine

**Shrubs for Dusty, Salty Locations**

<i>Caragan arborescens</i>	Siberian peashrub
<i>Forsythia spp.</i>	Forsythia

<i>Ilex verticillata</i>	Winterberry
<i>Potentilla</i> spp.	Potentilla
<i>Rosa rugosa</i>	Rugosa rose
<i>Spirea nipponica</i> var.	'Snowmound' & 'van Houttei' spirea
<i>Syringa</i>	Dwarf Korean lilac
<i>Syringa patula</i>	'Miss Kim' lilac
<i>Syringa vulgaris</i>	Common lilac

3. Native plant species are preferred. Invasive exotic plants cannot be used to satisfy the landscaping requirements. Such exotic plants include, but are not limited to, the following species:

<i>Acer plantanoides</i>	Norway maple
<i>Aedopodium podagraria</i>	Bishopsweed, goutweed
<i>Ailanthus altissima</i>	Tree-of-heaven
<i>Ampelopsis brevipedunculata</i>	Porcelain berry
<i>Berberis thunbergii</i>	Japanese barberry
<i>Berberis vulgaris</i>	European (or common) barberry
<i>Celastrus orbiculatus</i>	Asian bittersweet
<i>Coronilla varia</i>	Crown vetch
<i>Cytisus scoparius</i>	Scotch broom
<i>Elaeagnus angustifolia</i>	Russian olive
<i>Elaeagnus umbellata</i>	Autumn olive
<i>Euonymous alata</i>	Burning bush
<i>Euonymous fortunei</i>	Climbing euonymous, wintercreeper
<i>Hedera helix</i>	English ivy
<i>Lonicera japonica</i>	Japanese honeysuckle
<i>Lonicera maackii</i>	Amur honeysuckle
<i>Lonicera morrowii</i>	Morrow's honeysuckle
<i>Lythrum salicaria</i>	Purple loosestrife
<i>Phragmites</i>	Common reed
<i>Rhamnus cathartica</i>	Common buckthorn, tallhedge
<i>Rhamnus frangula</i>	European buckthorn
<i>Rosa multiflora</i>	Multiflora rose, baby rose

I. Existing Plant Material Credit

1. The Applicant shall save and protect, to the greatest extent practicable, all existing large trees on the site having a trunk diameter of at least 12 inches, measured 4 feet above the ground surface.
2. Where healthy plant material exists on the site prior to development and provision is made to preserve the plant material on a permanent basis, the Planning Board may give credit for such preserved plant materials against these landscaping requirements, when such plantings meet the intent and purpose of these requirements.

J. Prohibition of Sight-Obscuring Landscaping Features

All plantings, fences, and walls necessitated by these landscaping and screening requirements shall conform with the street intersection sight-obstruction

requirements provided in Section 206 of the Lebanon Zoning Ordinance. All such plant materials must be pruned as necessary to maintain compliance.

K. Encroachment on Landscaped Areas

After the issuance of a Certificate of Occupancy, the storage, display, or parking of motor vehicles, boats, mobile homes, trailers, or construction equipment within landscaped areas, buffers, or screens, shown as such on the approved landscape plan, is expressly prohibited and a violation of the Notice of Action.

L. Protection of Landscaped Areas

Landscaped areas within and adjacent to all parking and vehicular areas shall be protected by curbing, wheel stops, or fencing, with the potential exception of areas containing LID features, if deemed to be acceptable by the Reviewing Engineer and if approved by the Planning Board.

M. Low Impact Design (LID) Features

LID design features may replace required landscaping components as approved by the Planning Board.

N. Other Requirements

1. Service areas, equipment storage, utility boxes, fuel storage, waste enclosures, and similar functions shall not be located in the front yard. Exceptions may be allowed where adequate screening is proposed in accordance with the requirements of Section 6.2.B.8 and 9.
2. The landscape design on large (more than 25 units) multifamily and commercial properties should demonstrate at least one **place-making** element that enhances pedestrian-level engagement and offers visibility on the principal frontage. Where a multifamily or commercial use property provides front yard additional to the minimum required front yard setback, the development must provide such **streetscape** enhancements. Elements may include but are not exclusive to: usable public open space such as a plaza, or pocket park with seating; landscaping integrated with structural elements (e.g., awning, gazebo, vegetated wall, trellis, shade pergola, or screen); distinct or custom outdoor lighting, plant hangers, banners, or **bicycle parking**; interactive design; hardscape installations like terracing and water features; attractive wayfinding; permanent or rotating public art space and installations; and/or other amenities that contribute to and are compatible with the primary neighborhood character and function.

### **Section 6.3 – Utilities**

Provisions shall be made for the site to be serviced by necessary utilities. Water lines serving any hydrant shall meet the standards specified by the Department of Public Works. For properties not serviced by City water mains, plans shall comply with the water storage requirements of the Fire Prevention Code, Chapter 72 of the Code of the City of Lebanon.

## **Section 6.4 – Fees and Assessments in Effect at Time of Connection**

The Applicant/Landowner shall pay all entrance fees, benefit assessments, and similar fees or assessments, that are required by any applicable City ordinance for connection to any City utility, and that are in effect at the time an application is made for connection.

## **Section 6.5 – Coordination of Roads, Parking, Loading, Recreation, and Safety**

### **A. CONSTRUCTION STANDARDS**

Construction requirements shall be in accordance with *Standard Specifications for Road and Bridge Construction*, as published by the State of New Hampshire Department of Transportation, and the *Guide for the Development of Bicycle Facilities*, as published by the American Association of State Highway and Transportation Officials.

### **B. DESIGN STANDARDS**

1. **Accessible Design.** Conform with the latest accepted or adopted roadway and multimodal design standards available, including but not limited to:
  - a. The City of Lebanon's Complete Streets Policy (2017) and its cited design standards. The Policy is available online using the search function of the City Manager Department's Document Center webpage or by request.
  - b. Americans with Disabilities Act (ADA) *Standards for Accessible Design and ANSI Standards*.
  - c. **Universal design** best practices that are inclusive of the needs of users with limited vision, mobility devices, and disabilities, in conjunction with ADA standards, such as for non-visual wayfinding with audible and tactile cues (e.g., detectable warning strips), contrasting color delineation of pedestrian, bike and other zones and edges, flush curbs on **shared streets**, and related design elements.
  - d. U.S. Federal Highway Administration (FHWA) Bikeway Selection Guide (2019).
  - e. FHWA *Small Town and Rural Multimodal Networks* (2016).
2. **Signage and Markings.** All traffic control applications, signs and devices are to be pursuant to the Manual on Uniform Traffic Control Devices (MUTCD), current edition. Ensure the visibility of crosswalks in areas of high-density pedestrian traffic through use of contrasting, high-visibility surface treatments (stamped concrete, pavers, solid color-painted areas, and other textures), curb extensions, and similar measures to protect pedestrian safety. Use a consistent design throughout the site.

3. **Internal Access Drives/Roads.** Except as otherwise required by law, such as for truck, fire or service routes, the travel lanes of any on-site access should not be more than 10.5 feet wide.

C. **ORIENTATION AND FORM**

1. **Orientation to Frontage.** Buildings and building facades, including those in multi-tenant shopping plaza arrangements, must be visually and physically oriented to public ways (including sidewalks) to prioritize convenient pedestrian access and appeal from the right of way. Buildings shall also include orientation to public open spaces, trails, and waterways, such as the Mascoma River, Northern Rail Trail and Mascoma River Greenway, as secondary physical and visual access opportunities where appropriate.
2. **Highlight Entrances.** At least one primary entrance to the building shall face the public way on which the lot has frontage. If the lot has frontage on both a primary and a secondary street, as defined above, the main entrance shall be oriented toward the primary street. If the lot has frontage on more than one primary street, the main entrance to the building shall be oriented toward the street that carries the greatest volume of pedestrian and vehicular traffic. An entrance on a corner along the primary street also meets the intent of this standard to provide a convenient and welcoming pedestrian access from the public way.
3. **Adaptable Entrance Design and Building Massing.** Pedestrian entrances shall be provided at least every 60 linear feet along the ground floor of the primary façade unless such egress would create safety or security concerns for the building's use. In such instances, a significant architectural feature that creates varied massing, such as a bay window or other feature, must be provided every 60 linear feet. No structure may be longer than 350 feet unless a pedestrian passage is provided at midway (or similar) along the structure length. The passage must be at the ground floor level of the front and rear exteriors of the structure. This may be waived in industrial zoning districts.
4. **Structured Parking, Garage and Carport Design.**
  - a. When parking structure (e.g., parking garage) is located on a lot with frontage, the portion(s) with frontage, shall be designed to include attractive fenestrations, high-quality materials, and varied design elements. At least 1/3 of frontage-facing elements in new construction shall be **screened** by occupied active interior space for other uses at the ground floor level (retail, lobby, etc.), or at least 1/3 of the frontage must have variation in massing, substantial transparency and additional architectural detail that is distinct from the rest of the building and which visually enhances the remainder of the ground floor level. Occupied uses shall have a depth of at least 20 feet.
  - b. The visibility of multi-unit garages and carports (e.g., multifamily) from the street should be minimized by placement, scale and/or



**screening.** Garages should be placed underneath or at the rear of multi-unit structures. Garages should be grouped in small clusters rather than as unbroken lines or ‘corridors’ or rows around the perimeter of the development. When parking is provided as individual garages (not structured parking), then garage doors should not comprise more than 1/3 of the façade at the ground floor level or should be recessed from the front plane of the primary facade.

- c. The installation of rooftop photovoltaic solar panels is encouraged, as are provisions for **electric vehicle charging/parking** and **car-sharing** parking opportunities

#### D. ACCESS AND TRAFFIC

1. The public streets providing access to the site shall be sufficient and have adequate capacity and features for the safety of vehicles, pedestrians and bicycles. This will include the main traffic arteries that must be utilized for travel to and from the site. The Board shall not approve a proposed site plan without such sufficient and adequate access capacity and features.
2. The traffic patterns on, at, and around the site shall be coordinated so as to compose a safe and efficient system for vehicles, pedestrians, and bicyclists, in support of **complete streets**, including alignment with the City of Lebanon's Complete Streets Policy (2017). There shall be proper arrangement of roadways, loading areas, and parking areas within and around the site, in relation to existing and planned streets, so the proposed development of the site shall not endanger the safety or welfare of vehicles, pedestrians, or bicyclists. There shall be adequate traffic access to and from City streets to ensure the safety of vehicles, pedestrians, and bicyclists.
3. Improvements to off-site existing streets may include signal devices, sidewalks, crosswalks, and other features, as necessary to mitigate the increased traffic generated by the development of the site.
4. Each site shall provide adequate access from public highways and sufficient maneuvering room for fire, police, and other emergency vehicles.
5. The development, except for those in rural lands and heavy industrial zoning districts, shall install sidewalks along the street frontage(s) in order to support a walkable community that has continuous connections between existing and planned sidewalks.
  - a. When a location's posted vehicular traffic speeds are 25 mph or greater, there must be a 5-foot wide pedestrian facility on at least one side of the street. When the posted limit is 35mph or greater, the sidewalk must be separated from the road by at least an additional 2-foot wide landscaped median.

- b. Sidewalks must be at least 5 feet wide (not including curb) and free of barriers and obstructions including signage, utilities, lighting and landscaping. Wider sidewalks should be considered for primary routes in new construction.
  - c. On-site pedestrian areas may be merged with public sidewalks along the principal frontage, for a wider route overall, in order to create a broad walking surface in high traffic locations, Pavement and concrete are preferred; alternative sidewalk surfacing materials such as pavers. may be considered, such as for additional width beyond 5 feet. If the project is along a major connecting route and a sidewalk is not currently feasible, provide at minimum a level 5-foot shoulder right-of-way for potential future improvements.
6. On-site pedestrian facilities shall be provided and address the following:
- a. *Convenience.* Well-marked and convenient pedestrian facilities that minimize walking distances must be provided between the primary building entrance(s), parking areas, principal frontage, and adjacent public sidewalks. Minimize walking distances, to the extent practical depending on site grade, siting of common open space and similar elements. For sites with multiple buildings, uses, or residential unit entrances at the ground floor level, pedestrian walkways should connect each entrance to primary pedestrian collector routes (e.g., to parking or to public sidewalks). A common route with spur paths may meet this requirement.
  - b. *Visibility.* Pedestrian routes must be continuous and clearly demarcated as such by application of signage, contrasting paint colors, changes in materials or textured surfacing, reflectors, landscaping, and/or attractive barriers. Surface materials must provide traction and facilitate general maintenance and snow removal.
  - c. *Parking area safety.* Pedestrian aisles that physically separate pedestrian traffic from vehicle circulation in parking lots must be provided at intervals of one pedestrian aisle for every four rows of parking or a comparable provision (e.g., for three double rows of parking, provide at least one aisle, and for a configuration with two single rows at the edge of a lot and one double row in the center, provide at least one aisle). When the aisle is integrated with landscaped islands in the middle of a double row, the landscaped island must be at least 12 feet wide. Aisles must be at least 4 feet wide.
  - d. *Crossing safety.* Pedestrian crossings are required when the walking route crosses vehicle circulation areas. To identify crossing points, and support visibility, safety, and wayfinding, the transition area at street or drive crossings and between parking lot walkways and entrances, shall be highlighted through curb extensions (bump outs), contrasting materials, planters, pedestrian-scale lighting such

as decorative bollards, and landscaping, including adherence to Sec. 6.2.B. Any raised crossings must meet requirements for drainage and snow removal equipment and should be flush with the height of the adjoining sidewalk and at least 10 feet wide to allow the front and rear wheels of a passenger vehicle to be on top of the table at the same time.

- e. **Connectivity.** To address gaps in Lebanon's pedestrian and bicycle network, implement recommendations in current plans, policies, or programs adopted by the City of Lebanon, including but not limited to the Master Plan. The following strategies may apply. Connect neighboring commercial properties at the side and rear lot lines with pedestrian facilities (path or sidewalk) when public routes are not available within 100 feet. Locate facilities to connect to existing or planned parks and trails. Identify opportunities for public access easements for future non-motorized access, where such exist. Prioritize use of proposed or existing corridors through the development, such as sewer easements. For adjacency to conservation properties, work with the Conservation Commission, where deemed to be appropriate by the Commission, to accommodate trail access.
7. **Access Management.** Minimize curb cuts on the property edge onto the public right-of-way, particularly for sites along heavily used pedestrian corridors, and other than required emergency vehicle access points. Provide a continuous circulation system within the site, with a single shared access to the property, unless it can be demonstrated that additional cuts are necessary. Connect internal drives to the overall site circulation patterns of adjacent parcels, to create broader networks, where feasible. For improvements to existing developments, redundant access points must be evaluated for closure or limited access, such as for fire lanes. A driveway intersecting a street that constitutes the principal frontage of a lot is not permitted when the lot can be accessed from another frontage or when the lot can be accessed by a shared driveway on an adjacent property with an existing or planned curb cut/access. Prioritize use of connections to secondary cross-streets. Service drives for loading and drop-off zones shall be designed as alleys at the rear of a lot or subdivision whenever possible.
8. **Shared Streets.** In cases where traffic speed and volume are low, an internal roadway/drive may be designed as a **shared street**. This may be a thoroughfare without sidewalks or striped lanes. Vehicle, bicycle, and pedestrian movement are mixed and movement must be adequately controlled through **traffic calming** and safety features as well as landscape and amenity elements to the satisfaction of staff and Planning Board review.
9. **Transit.** If a property borders an existing, recommended, or proposed **transit** stop or dedicated **transit** route, supporting on- and off-site street design elements (see below) must be detailed in the application. Implement recommendations for Lebanon in current plans, policies, or programs adopted by the City of Lebanon, including but not limited to the

Master Plan and 2010 Bus Stop Design Study. The applicant must demonstrate coordination with the **transit** authority and City officials to verify service, identify key elements, and address such in the proposed design. Elements for appropriate design may include: pavement markings, crosswalks between stops, adjacent sidewalks and site access for pedestrians/bus riders, snow removal accessibility and responsibility for stops, curb height, spacing of **transit** stops, dimensions of **transit** stop space (e.g., for bus shelter pad), bulb-out or pull-out, sidewalk tip-down, distance from intersections and drive accesses, shelters, street furniture, signage, and lighting. Safe access must be provided to and from the main development entrance(s) to the **transit** stop. Pedestrian access to the **transit** stop must limit crossing points and distance over parking facilities, driveways, and vehicular rights of way. Specifications must adhere to City construction and lighting policies for elements in the public way.

10. **Transportation Demand Management.** Higher density buildings and larger businesses may be required to submit a mobility management plan that addresses implementation of transportation demand management programs and services.
11. **Sightlines.** To ensure sightlines are maintained at pedestrian crossings on or between public and private streets, provide at least 15 feet of no parking on either side of the crossing, if there is not a curb extension at the crossing. Trees, structures, signs, and other visual obstructions must also be set back from all pedestrian crossings for appropriate visibility. Where surface markings do not provide enough visibility or there is a high volume of pedestrian traffic, such as between a building entrance and a parking facility, pedestrian crossing signs shall be installed on both sides of the crossing/crosswalk.

E. PARKING AND LOADING AREAS

1. At its discretion, the Board may require that parking areas and areas for internal circulation on the site shall be physically delineated (for instance, by curbing or wheel stops) so as to protect adjacent vegetation and pedestrians.
2. Parking areas shall be finished with improved materials.
  - a. Porous pavements should be considered for parking areas in new development, in support of the general requirements for stormwater management under Section 6.6 and landscaping for parking areas under Section 6.2.
  - b. Where provided, **pervious** pavement shall be appropriately sited and designed for traffic and vehicle loading conditions. Porous pavement may be considered for exclusion in the calculation of impervious surface areas for site development. Porous or **pervious** surfaces shall be designed and constructed in accordance with NH Stormwater Manual, Volumes 1 & 2 (December 2008 or current version), Stormwater and Antidegradation for specific design guidelines for stormwater best management practices. Plans

utilizing porous or **pervious** surfaces shall be accompanied by an Owner's Project Requirements (OPR) manual or a property maintenance schedule (e.g., surface cleaning).

- c. Impervious cover cross-sections shall include a minimum of 2 inches of bituminous pavement over 6 inches of crushed stone and 12 inches of bank-run gravel for light-duty parking areas (for example, small retail uses, office uses, and multifamily uses); and 3 inches of bituminous pavement over 6 inches of crushed stone and 18 inches of bank-run gravel for heavy-duty parking areas (for example, large retail uses, shopping centers, and industrial uses). The Planning Board may modify the requirements contained herein when it is appropriate because of water quality, drainage, and/or aesthetic considerations, so that the safety of pedestrian and vehicle traffic is assured.
3. Parking spaces shall measure a minimum of 9 x 18 feet. Where the parking spaces are perpendicular to a landscape bed, they should measure 16 feet in length on the pavement, with an additional 2 feet of unobstructed overhang into the landscape bed, in order to reduce paved impervious surface area. Parking spaces perpendicular to a sidewalk area may overhang the sidewalk, provided that the sidewalk is a minimum of 6 feet wide, excluding curbing.
4. Aisles between parallel rows of spaces shall be a minimum of 24 feet wide.
5. Alternative parking designs may be considered as recommended by the Reviewing Engineer. The Board may modify the requirements contained herein when it is appropriate to use a substitute for paving because of water quality, drainage, and/or aesthetic considerations, so long as the safety of pedestrian and vehicular traffic is assured.
6. All loading areas shall be designed so as not to interfere with other planned circulation on the site and so as to provide adequate space and facilities.
7. No new parking or circulation areas for vehicles shall be located in the front, with the exception of multi-family dwelling developments consisting of less than five (5) units. Where a lot abuts more than one street, this restriction shall only apply to the front yard along the principal frontage as defined in the Zoning Ordinance.
8. Parking lots with multiple driving aisles shall be oriented perpendicular to the building to reduce the number of traffic aisles that a pedestrian must cross to reach the building.
9. Provision of **electric vehicle charging** facilities, or capacity for future facilities, should be considered where feasible, particularly for developments proposing 50 or more parking spaces.

F. SNOW REMOVAL, CURBING, AND FLOODPROOFING

1. Curbing used in the Central Business (CB) District and Lebanon Downtown (LD) District shall be granite. Curbing in all other zones shall be concrete or granite. The Board may modify the requirements contained herein when it is appropriate because of water quality, drainage, aesthetic, or practical considerations, so long as the safety of pedestrian and vehicular traffic is assured.
2. Provisions shall be made for snow storage or removal during winter months.
3. Provisions shall be made to assure that the proposal is consistent with the need to minimize flood damage. For example, sewer, gas, electrical, and water systems should be elevated and constructed to minimize or eliminate flood damage, and adequate drainage should be provided so as to reduce exposure to flood hazards.
4. Design provisions shall also be made to minimize or eliminate infiltration of floodwaters into new or replacement water supply systems and/or sanitary sewer systems and, conversely, to minimize or eliminate discharges from these systems into floodwaters. On-site waste disposal systems shall be located so as to avoid impairment of them or contamination from them during flooding.

G. GROUNDWATER PROTECTION

The quality of groundwater shall not be adversely affected by the proposed development. This requirement shall be established by the Applicant showing that the proposed development will not violate the rules and regulations of the New Hampshire Division of Water Supply and Pollution Control with regard to groundwater.

H. MULTI-FAMILY OPEN SPACE AND RECREATIONAL FACILITIES

1. Site plans for multi-family dwelling developments shall make adequate provision for the on-site **recreational facility** needs of the residents of the proposed development, with the exception of multi-family dwelling developments consisting of less than five (5) units. The plan shall be designed to minimize the likelihood that public safety will be endangered by the extensive use of internal roads and parking areas for recreation.
2. In all zoning districts except the Central Business (CB) and Lebanon Downtown (LD) Districts, site plans for developments resulting in a net increase of 25 dwelling units or more shall provide open space as required by and in accordance with Section 12.2 of the Subdivision Regulations.

I. BICYCLE STORAGE AND PARKING

The intent of this section is to enhance bicycle usage, support transportation efficiency by reducing reliance on vehicles for short-distance travel, and

implement City goals, including the Complete Streets Policy. The requirements of this section apply to new developments as well as to changes to or expansions of use at existing developments that require a new or amended site plan approval.

1. When a calculation yields a fractional number of required spaces, the number of spaces shall be rounded up to the nearest whole number.
2. **Residential Development.** Multi-family dwellings with more than five (5) units must provide:
  - a. **Short-term bicycle parking** for at least 15 percent of units (e.g., 50 units = 8 spaces)
  - b. **Long-term bicycle parking** for at least 30 percent of all building units,
3. **Non-Residential Development.** Other uses, including municipally owned buildings, must provide, except where otherwise noted:
  - a. Secure **short-term bicycle parking** or **long-term bicycle parking** for at least ten (10) percent of the number of automobile parking stalls approved by the Planning Board. Alternatively, provide spaces for at least 5 percent of building occupants (measured at average daily peak), whichever is greater, but in no case may the total be less than two (2) rack spaces.
  - b. At least 25 percent of the spaces as **long-term bicycle parking** when the total number of **bicycle parking** spaces required exceeds 20 spaces.
  - c. Shower facilities. Provision of at least one (1) shower, available to all genders, is encouraged. Larger projects, with either 50 vehicle parking spaces required or at least 50 employees must provide at least one (1) shower. Provision of changing and locker space with shower facilities is encouraged.
  - d. **Bicycle parking** wayfinding signage.
4. Facilities must adhere to the Bike Storage Design Guide (see Appendix A).
5. **Bicycle parking** should be located with convenient access to a principal building's main entrance and/or to a **recreational facility** and its associated transportation network, such as a public street or path.
6. Locate parking/storage in a well-lit, highly visible area.
7. Shared **bicycle parking** facilities are encouraged.
8. **Bicycle parking** may be required by the Planning Board for commercial uses whenever any new use is established, or any existing use is expanded for which more than ten (10) automobile parking spaces are required.

9. The Planning Board may adjust any of the amounts in this section upward or downward based on factors such as the site context, including location, layout, the types of users or residents, the amount of vehicle parking provided, and other pertinent factors.

## **Section 6.6 – Stormwater Management**

### **A. PURPOSE**

The provisions and standards of this section are implemented for the purpose of:

Managing stormwater runoff by establishing minimum requirements and procedures to control the adverse affects of increased post-development stormwater runoff, decreased groundwater recharge, and non-point source pollution associated with new development and redevelopment.

- Causing no increase in contribution of a pollutant for which a water body is impaired.
- Treating runoff discharged to a municipal drainage system, surface water body or wetland.
- Causing no discharge of runoff to an adjacent property in excess of runoff discharged in the existing developed or undeveloped condition.

### **B. GENERAL REQUIREMENTS**

All proposed development projects shall provide adequate management of stormwater runoff and prevent the discharge of stormwater runoff from creating or contributing to water quality impairment.

All reasonable efforts shall be made to incorporate low-impact, non-structural site design techniques to minimize runoff due to development such as maintaining natural buffers, minimizing site disturbance, minimizing and disconnecting impervious cover, utilizing Low Impact Development (LID) design features, and minimizing soil compaction.

All applications shall provide a permanent (post-construction) Stormwater Management Plan (SMP), describing all proposed stormwater management system elements, practices, and associated designs, including all calculations and analyses of said designs. All elements of the SMP must be prepared and designed in accordance with the design standards set forth within this section, by a New Hampshire Registered Professional Engineer, whose seal and signature shall appear on the plan(s).

In addition to the Site Plan review checklist, all applicants are required to provide a completed stormwater checklist as part of the development review application.



C. STORMWATER MANAGEMENT PLAN SUBMISSION REQUIREMENTS

C.1. PLAN SUBMISSION REQUIREMENTS

1. An Existing Conditions S.M.P showing all pre-development:
  - a. surface water bodies and wetlands
  - b. drainage patterns
  - c. flood plains and floodways (with elevations)
  - d. watershed boundaries
  - e. buffer zones
  - f. topographic contours with minimum 2-foot intervals
  - g. buildings / structures
  - h. pavement
  - i. utilities
  - j. soils information with coding as HSG-A, B, C, or D  
(High Intensity Soil Survey (HISS) mapping may be required per request of the Reviewing Engineer).

Additionally, the plan shall include the following elements: scale bar, north arrow, title block with project name, applicant's name, and map and parcel number, designer's stamp, soil and/or wetland scientist's stamp (if applicable), legend, locus plan, benchmarks, and appropriate notes with datum and other plan references, instructions, and detail descriptions.

2. A Proposed Conditions SMP showing all proposed post-development temporary and permanent stormwater management system elements, erosion and sediment control Best Management Practices (BMP), and all important hydrologic features. The Proposed Conditions S.M.P must be at the same scale as the Existing Conditions SMP, with consistent title block, plan features, and descriptors including but not limited to the following:
  - a. Existing and proposed topographic contours (2-foot minimum contour interval; 1-foot contour intervals may be required for sites with limited relief and/or where proposed stormwater outfalls are located adjacent to buffer zones.
  - b. Proposed areas of disturbance with total area of disturbance clearly labeled in square feet
  - c. Existing and proposed buildings and structures
  - d. Stormwater discharge locations labeled and matched to the drainage analyses
  - e. Wells and sanitary protective radii, if applicable
  - f. Septic systems, if applicable
  - g. Plan references and notes (including sequence of soil disturbance)
  - h. Proposed and existing public and private utilities

- i. Proposed project components to become property of or the responsibility of the City shall be labeled as such
- j. Existing and proposed impervious cover, with areas used to calculate effective impervious cover (EIC, as defined herein) clearly identified and the square footage of each type identified and labeled.
- k. Test Pit(s) locations and data where stormwater practices are proposed, as appropriate.
- l. Details of individual design elements shown on separate plan sheets following the Proposed Conditions SMP.

The Existing Conditions SMP & the Proposed Conditions SMP shall be provided on sheets no larger than 24" x 36", at a scale of one (1) inch = 20 feet for urban areas, and one (1) inch = 40 feet for non-urban areas. The Reviewing Engineer will make the final determination as to the appropriate scale, ensuring that all important site and hydrologic features are easily recognized. If plan shall encompass more than two (2) sheets, at the required 1:40 or 1:20 scale, a separate large scale representation plan sheet (e.g. 1:100) is required to be provided, so as to show entirety of site, as well as off-site contributing areas.

#### C.2. SUPPLEMENTAL INFORMATION SUBMISSION REQUIREMENTS

In addition to the above described SMP plan sheets, the following SMP supplemental information is required:

1. A drainage analysis that includes calculations comparing pre- and post-development stormwater runoff rates (cubic feet per minute) and volumes (cubic feet) based on a 1-inch rainstorm, and the 2-year, 25-year, 50-year, and 100-year, 24-hour frequency storms. Calculations shall include, but not be limited to, the sizing of all structures and BMPs, including sizing of emergency overflow structures based on the 50-year 24-hour frequency storm discharge rate, with 1-foot of free-board. Storm rates shall be based on current design depths from the Northeast Regional Climate Center - <http://precip.eas.cornell.edu>.

*Any site that was primarily wooded in the last five years shall be considered undisturbed woods Any site from which wooded vegetation has been removed within 5 years prior to the first submission to the planning board with respect to a proposed development, or upon which, at some earlier time, clearing has occurred in anticipation of development, shall be treated as undisturbed woodland for purposes of calculating pre-development runoff volumes. For purposes of this paragraph any tree cutting which occurred without leaving stands of healthy, growing trees within areas near waters and highways, as required by RSA 227-J:9, I, shall be presumed to have occurred in anticipation of development*

2. A drainage analysis results summary tabulated (pre & post ) for each proposed outfall or catchment outlet point including runoff rates and volumes for each storm event analyzed above.
3. An Erosion and Sediment Control Plan for all proposed construction activities in accordance with the NH Stormwater Management Manual Volume 3, (December 2008 or current revision; downloadable from the website)
4. A comprehensive Operation and Maintenance Plan for long-term maintenance of all proposed stormwater management elements and BMPs including the proposed schedule of inspections and anticipated maintenance (see section H.2 Operations & Maintenance Plan for detailed requirements).

**D. PHASED DEVELOPMENT**

For phased developments, the plans and calculation requirements under this section (6.6) shall apply as though the development of the entire parcel were being proposed in one single application. The review and approval process for phased development applications is provided in section 4.9 of the Lebanon Site Plan Regulations.

**E. DESIGN STANDARDS - GENERAL STANDARDS**

The Stormwater Management Plan submitted to the Planning Board shall meet the following requirements. In each case it shall be within the reasonable discretion of the Planning Board – utilizing whatever consultants it deems necessary pursuant to Section 4.7(F) of these regulations – to determine whether the standards, goals and purposes of these requirements are met by the S.M.P. as submitted.

1. Stormwater management practices shall be selected to accommodate the unique hydrologic and geologic conditions of the site.
2. The use of stormwater management measures, including site design approaches to reduce runoff rates, volumes, and pollutant loads, are preferred and shall be implemented to the maximum extent practicable (MEP). Such techniques include, but are not limited to:
  - a. Minimization and/or disconnection of impervious cover,
  - b. Development design that reduces the rate and volume of runoff,
  - c. Restoration or enhancement of natural areas such as riparian areas, wetlands, and forests, and
  - d. Use of practices that intercept, treat, and infiltrate runoff from developed areas distributed throughout the site (e.g. bioretention, infiltration dividers or islands, or planters and rain gardens)
3. The plan shall make provisions to retain stormwater on the site by using the natural flow patterns of the site. To the maximum extent practicable (MEP), effort shall be made to utilize natural filtration and/or infiltration BMPs (e.g., bioretention areas, subsurface filtration/infiltration systems, ponds, swales, etc).

4. Applicants shall demonstrate to the satisfaction of the Reviewing Engineer and the Planning Board why use of nontraditional and/or nonstructural design techniques such as those described in this section (Design Standards), as well as contained with the NH Stormwater Management Manual Volume 1, chpt. 6 (December 2008 or current version), are not possible before proposing to use traditional, structural stormwater management measures that rely on collection and conveyance to remove runoff from site.
5. Existing surface waters, including lakes, ponds, rivers, perennial and intermittent streams (natural or channelized), and wetlands (including vernal pools) shall be protected by the minimum buffer setback distances specified in the Lebanon Zoning Ordinance, where applicable. Stormwater and erosion and sediment control BMPs shall be located outside the specified buffer zone unless otherwise approved by the Planning Board.
6. The design of the stormwater management system shall take into account upstream and up-gradient runoff that flows onto, over, or through the site to be developed or re-developed and provide for this contribution of runoff.
7. Whenever practicable, native site vegetation shall be retained, protected, or supplemented. Any stripping of vegetation shall be done in a manner that minimizes soil erosion.
8. Constructed stormwater treatment areas in which the native site vegetation is unable to be retained, shall be planted with native plantings (see section 6.2.H.2) appropriate for the site conditions, with grasses, shrubs and/or other native plants in sufficient numbers and density to prevent soil erosion and to promote proper treatment of the proposed runoff.
9. All proposed stormwater practices and measures shall be designed, installed, and maintained in accordance with manufacturer's specifications and/or performance specifications in the NH Stormwater Management Manual Volume 2 (December 2008 or current version). Where City of Lebanon design standards are more stringent, the stricter standards shall apply.
10. To prevent premature failure, the design of storm water treatment devices relying on infiltration shall include a pre-treatment device or method that will trap sand and sediments, as well as oil and gas pollutants. Pre-treatment facilities must be designed to accommodate a minimum of one-year's worth of sediment and shall be located to be easily inspected and maintained.
11. The design of the stormwater drainage system shall provide for the disposal of stormwater without flooding or functional impairment to streets, adjacent properties, downstream properties, soils, or vegetation. Such designs shall include but not limited to:

- a. Closed drainage systems designed for the 25 year storm, to include a 50yr and 100yr check.
  - b. Proposed roadway ditches shall be designed to accommodate the 100yr storm event.
  - c. Emergency overflow structures shall be designed for the 100-year, 24-hour frequency storm discharge rate, when designed to discharge to abutting properties or roadways.
12. Alternatives to stream and wetland crossings that eliminate or minimize environmental impacts shall be considered whenever possible. When determined to be necessary by the Planning Board or its representative, such stream and wetland crossings shall comply with NHDES Stream Crossing Rules [Env-Wt 900] and recommended design standards as set forth in the University of New Hampshire Stream Crossing Guidelines, May 2009, as amended.
13. To the maximum extent practicable (MEP), every effort shall be made to use **pervious** cover as an alternative to impervious cover (e.g. bituminous asphalt or concrete) for general and overflow parking areas. **Pervious** cover shall be appropriately sited and designed for the anticipated traffic and vehicle loading conditions.
14. Water Quality Protection: All aspects of the application shall be designed to protect the water quality of the City of Lebanon's water bodies as follows:
  - a. No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, noxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwaters so as to contaminate, pollute, harm, impair or contribute to an impairment of such waters.
  - b. All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials shall meet the standards of the New Hampshire Department of Environmental Services (NHDES), Water Supply and Pollution Control, including, but not limited to those involving Underground Storage Tanks, Above Ground Storage Tanks, Hazardous Waste, and Best Management Practices for Groundwater Protection (Env-Wa 401).
  - c. A project under review by the Lebanon Planning Board of such magnitude as to require a stormwater permit from EPA Construction General Permit (CGP) program or NHDES Alteration of Terrain (AOT) program, shall comply with the standards of EPA and/or NHDES permits and this section, and where applicable standards conflict, the stricter standards shall apply.
  - d. The biological and chemical properties of the receiving waters shall not be degraded by the stormwater runoff from the development site.

- e. Development, redevelopment, or reuse activities shall not infiltrate stormwater through materials or soils containing regulated or hazardous substances.
- 15. Stormwater features that are not designed to permanently retain water and that receive rainfall runoff must be designed to drain within a maximum of 72 hours from the end of the storm for vector control.
- 16. At the discretion of the Planning Board, stormwater management systems shall incorporate designs that allow for shutdown and containment in the event of an emergency spill or other unexpected contamination event.
- 17. Where applicable, the design of the stormwater management system shall account for footing drainage and shall provide for discharge to an approved drainage system
- 18. Salt storage areas shall be covered and loading/offloading areas shall be located, designed and maintained in accordance with NH DES published guidance such that no untreated discharge to receiving waters results. Snow storage areas shall be located in accordance with NH DES published guidance such that no direct untreated discharges to receiving waters are possible from the storage site. Runoff from snow and salt storage areas shall enter treatment areas as specified above before being discharged to receiving waters or allowed to infiltrate into the groundwater. See NHDES published guidance fact sheets on road salt and water quality, and snow disposal at <http://des.nh.gov/organization/commissioner/pip/factsheets/wmb/index.htm>.
- 19. Appropriate erosion and sediment control measures shall be installed prior to any soil disturbance, the area of disturbance shall be kept to a minimum, and any sediment in runoff shall be retained within the project area. Wetland areas and surface waters shall be protected from sediment. Disturbed soil areas shall be either temporarily or permanently stabilized consistent with the NHDES Stormwater Manual Volume 3 guidelines. In areas where final grading has not occurred, temporary stabilization measures shall be in place within 7 days for exposed soil areas within 100 feet of a surface water body or wetland and within no more than fourteen (14) days for all other areas. All temporary control measures shall be removed after final site stabilization. Permanent stabilization shall be in place no more than 3 days following the completion of final grading of exposed soil areas.
- 20. Stormwater management systems shall not discharge untreated stormwater to surface waters, ground surface, subsurface, or groundwater within 100 feet of surface water within a water supply protection area.
- 21. Stormwater management systems shall not cause discharges into the City's Public Stormwater System in a manner which violates Chapter 124 of the Lebanon City Code.

## F. DESIGN STANDARDS FOR NEW DEVELOPMENT

All proposed stormwater management and treatment systems associated with new development shall meet the following performance standards:

1. Maximum effective impervious cover as defined herein shall not exceed 10 percent of a site. Impervious cover may be disconnected from the stormwater drainage network, to reduce total effective impervious cover, through such techniques as infiltration or sheet flow over a **pervious** area.
2. Measures shall be taken to control the post-development peak rate runoff so that it does not exceed pre-development peak rate runoff for the 2-year, 25-year, 50-year, and 100-year, 24-hour storm events. Similar measures shall be taken to control the post-development runoff volume to filtrate the Water Quality Volume (WQV) according to the following ratios of Hydrologic Soil Group (HSG) type versus infiltration rate multiplier: HSG-A: 0.4; HSG-B: 0.25; HSG-C: 0.1; HSG-D: 0.0.

For sites where infiltration is limited or not practicable, the applicant must demonstrate that the project will not create or contribute to water quality impairment. Infiltration structures shall be in locations with the highest permeability on the site. Measures shall be taken to protect against on and off-site peak flow to prevent overloading of existing downstream facilities.

3. Remove a minimum of 80 percent of the average annual load of total suspended solids (TSS), floatables, greases, and oils, and at least 40% removal of total phosphorous using appropriate treatment measures, as specified in the NH Stormwater Manual, Volumes , December 2008 as amended (refer to Volume 2, page 6, Table 2.1 Summary of Design Criteria, Water Quality Volume for treatment criteria) or other equivalent means.

Compliance with the recharge requirements under F.2, consistent with the pre-treatment and design requirements contained herein, shall be considered adequate to meet the standards specified in F.3.

Applicants not able to employ the filtration requirements of F.2 must provide suitable documentation, including a pollutant loading analysis from an approved model, that the treatment standards of F.3 will be met.

## G. DESIGN STANDARDS FOR REDEVELOPMENT

1. Statement of Purpose

Because redevelopment may present a wide range of constraints and limitations, an evaluation of options may be proposed to work in conjunction with broader state watershed goals and local initiatives.

2. Redevelopment Criteria & Standards

In order to determine the stormwater requirements for redevelopment projects, the percentage of the site covered by existing impervious cover must be calculated. For sites meeting the definition of a redevelopment project and having less than 40% existing total impervious cover, the stormwater management requirements will be the same as for new development projects (Section F).

For redevelopment sites with more than 40% existing total impervious cover, stormwater shall be managed for water quality in accordance with one or more of the following techniques, listed in order of preference:

(a) Implement measures onsite that result in disconnection or treatment of at least 30% of the existing total impervious cover as well as 50% of the additional proposed impervious cover and pavement areas through the application of porous media; or

(b) Implement other LID techniques onsite to the MEP to provide treatment for at least 50% of the redevelopment area.

If redevelopment or reuse of previously developed sites can not meet the requirements of (a) or (b) previously listed, applicant will be required to obtain a waiver as outlined in section I (Waivers).

For all redevelopment projects, run-off rates shall not be increased for the 2-year, 25-year, 50-year, and 100-year, 24-hour frequency storms

#### H. CONSTRUCTION & POST CONSTRUCTION

##### 1. Responsibility for Installation and Construction

The applicant shall bear final responsibility for the installation, construction, inspection, and disposition of all stormwater management and erosion control measures required by the plans approved by the Board in accordance with these regulations. Site development shall not begin before the Stormwater Management Plan receives approval by the Planning Board, or its designee. Proposed SMP elements shall be installed as designed as a condition of final approval of the plan.

##### 2. Operations & Maintenance Plan

a. All stormwater management systems shall have an Operations and Maintenance (O&M) plan to ensure that installed systems continue to function as designed. This plan shall be reviewed and approved as part of the review of the proposed permanent (post-construction) stormwater management system and incorporated in the Permanent Stormwater Management Plan, if applicable. Execution of the O&M plan shall be considered a condition of approval.

b. The landowner of the property shall have an enforceable responsibility to maintain and operate the stormwater management system in accord with the O&M plan, and such



responsibility shall run with the land, unless some other party is assigned such responsibility via a legally binding agreement to be approved in form by the Board or its designee.

- c. The O&M plan shall, at a minimum, identify the following:
  - 1. Stormwater management system owner(s).
  - 2. The party or parties responsible for operation and maintenance
  - 3. A schedule for inspection and maintenance.
  - 4. A checklist to be used during each inspection.
  - 5. The description of routine and non-routine maintenance tasks to be undertaken.
  - 6. A plan showing the location of all stormwater management facilities covered by the O&M plan.
  - 7. A certification signed by the owner(s) attesting to their commitment to comply with the O&M plan.
- d. Recording: After final Planning Board approval and as a condition precedent thereto, the owner of record of the property shall cause notice of the requirements for maintenance pursuant to the stormwater management and erosion and sediment control plans, as approved by the Planning Board, to be recorded at the Registry of Deeds sufficient to provide notice to all persons that may acquire any property subject to the stormwater management and sediment control plans. See RSA 477:3-a. The notice shall comply with the applicable requirements for recording contained in RSA 477 and 478. The notice need not set forth the requirements at length, so long as it is sufficient to provide notice to prospective purchasers of the requirements for maintenance pursuant to the stormwater management and erosion and sediment control plans as approved by the Planning Board.
- e. Modifications
  - 1. The owner shall keep the O&M plan current, including making modifications to the O&M plan as necessary to ensure that BMPs continue to operate as designed and approved.
  - 2. Proposed modifications of O&M plans including, but not limited to, changes in inspection frequency, maintenance schedule, or maintenance activity along with appropriate documentation, shall be submitted to the Planning Board for review and approval.
  - 3. Whenever the Planning Board, on the basis of new or updated information or technology, deems it necessary, in order to prevent potential threats to health, safety or property, it may require modifications in the O&M plan by imposing more stringent requirements, including but not limited to more frequent inspections or maintenance.

4. The Planning Board shall notify the owner of acceptance of the modified plan or request additional information within 60 days of receipt of proposed modifications. No notification, or request for additional information from the Planning Board at the end of 60 days shall constitute acceptance of the plan modification. The currently approved plan shall remain in effect until notification of approval has been issued, or the 60 day period has lapsed. For a reduced frequency of inspection or maintenance, the owner shall demonstrate that such changes will not compromise the long term function of the stormwater management system.

f. Record Keeping

1. Parties responsible for the operation and maintenance of a stormwater management system shall keep records of the installation, maintenance and repairs to the system, and shall retain records for at least five years.
2. Parties responsible for the operation and maintenance of a stormwater management system shall:
  - Provide a copy of the post construction inspection checklist based on the inspection cycle prescribed by the Operation and Maintenance Plan.
  - Provide records of all maintenance and repairs to the Reviewing Engineer, during inspections and/or upon request.

g. Enforcement

The Planning Board may require routine inspections to insure compliance with the Design Standards & Construction & Post Construction sections of these regulations. Such inspections shall be performed by a designated agent with appropriate certifications at reasonable times to the landowner. If permission to inspect is denied by the landowner, the designated agent shall secure an administrative inspection warrant from the district or superior court under RSA 595-B.

When the responsible party fails to implement the O&M plan, including, where applicable, the SMP, as determined by the Code Enforcement Officer or City Council, the municipality is authorized to assume responsibility for their implementation and to secure reimbursement for associated expenses from the responsible party, including if necessary, placing a lien on the subject property.

## I. WAIVERS

An applicant may request a waiver from any of the provisions in this Section. For such waiver requests, in addition to the standards set forth in Section 7.1 of these Regulations:

- (a) The Board shall consider whether there exist adequate reasons to believe that the goals and purposes of this section, including those set forth in Section 6.6(A) above, will be achieved, notwithstanding such waiver
- (b) In the case of a waiver request from Section G.2, the Board shall determine whether the Stormwater Management Plan for the redevelopment project attains achievement of the goals of this section to the maximum practicable extent, as determined by the Board with the assistance of the Reviewing Engineer. The Board shall also consider the stormwater management benefits of redevelopment as compared to development of raw land.

## **Section 6.7. – Lighting**

### A. PURPOSE

The purpose of this section is to guide property owners and applicants in appropriately lighting their development proposals.

New lighting technologies have produced lights that are extremely powerful and thus need to be installed sensibly so that they do not create problems of excessive glare, light trespass, ecological/health impacts, skyglow, and higher energy use. Outdoor lighting along roadways, walkways, parking lots, and other public areas shall be designed and located with consideration to fixture and lamp type, mounting height, spacing, and distribution of light in order to: assure adequate illumination for the safety and security of drivers, pedestrians, bicyclists, and other passersby; avoid adverse impacts to adjacent properties and on wildlife habitat; assure that light pollution does not limit the ability of citizens to enjoy the nighttime sky; and minimize the unnecessary use of electricity.

### B. GENERAL REQUIREMENTS

Proposed lighting installations may be approved only if the Board finds that they are designed to prevent light trespass onto adjacent properties or streets, minimize light directed skyward, and do not result in excessive lighting levels.

Outdoor lighting shall be located, mounted, aimed, and shielded in such a way that adjacent uses are suitably protected from light trespass. Such lighting shall not interfere with traffic on nearby highways. The standards and guidelines contained in the most current edition of the Illuminating Engineering Society of North America (IESNA) Lighting Handbook shall be utilized to determine the appropriateness of exterior lighting levels and conformity with these Regulations.

All light fixtures, including fixtures mounted inside buildings or structures, shall be located, mounted, aimed, and shielded so as to minimize glare perceptible to drivers, pedestrians, bicyclists, and other passersby within adjacent streets or

rights-of-way. In addition to these general standards, the following shall also apply:

1. Lighting installations shall be designed to provide the minimum illumination necessary to facilitate the use of the site. Except as otherwise stated in the special provisions of this section or unless approved by the Board, lighting levels shall not exceed the minimum level of illumination recommended by the IESNA for the proposed use and level of activity.
2. Light fixtures shall be located, mounted, aimed, and shielded so as to not cause light trespass upon adjacent properties or onto streets or rights-of-way in excess of the following levels: The light intensity at adjoining streets or commercial property boundaries shall not exceed 0.5 foot-candles at grade level, and the light intensity at adjoining residential property boundaries shall not exceed 0.1 foot-candles at grade level.
3. Lighting installations shall utilize fully-shielded fixtures, as defined herein, or full cut-off fixtures, as defined by the IESNA, so as to produce no light above a horizontal plane through the lowest direct light-emitting part of the fixture.
4. Lighting installations shall include timers, dimmers, sensors, and/or other energy-saving technologies to reduce overall energy consumption. Non-essential lighting shall be turned off or reduced after normal business hours, leaving only necessary lighting for security purposes. (Non-essential lighting includes, but may not be limited to, display, aesthetic, parking, and/or sign lighting as determined by the Board.)
5. The maximum mounting height of the light fixture shall not exceed fifteen (15) feet in residential zoning districts or twenty (20) feet in commercial, institutional, or mixed zoning districts.
6. Lighting installations used to illuminate areas such as streets, walkways, or parking lots shall utilize energy-efficient lighting such as LED (light-emitting diodes), low-pressure sodium, high-pressure sodium, metal halide lamps, or equivalent technology in terms of luminaire efficacy as measured in lumens/watt. Mercury vapor lamps shall not be used due to their inefficiency, high operating costs, and toxic mercury content.

Technological advances in outdoor lighting may allow for options not otherwise considered in these Regulations. The use of new technologies, especially those that have energy-saving properties, is encouraged. Applications that use new technologies and follow the purpose and intent of these Regulations will be considered and evaluated for approval.

7. Floodlights or spotlights shall be mounted above the object or area targeted for lighting and shall be shielded and aimed no higher than 45 degrees above straight down (half-way between straight down and the horizontal plane).
8. Uplighting is prohibited, except as allowed for the Lighting of Building Façades and Landscaping, as set forth in Section 6.7.E.

9. In order to minimize the risk of disability glare or other harm to human and ecological health, and to promote visual access to dark skies, all outdoor lighting shall have a color correlated temperature (CCT) of 3000 Kelvin (K) or less (warmer light), unless a compelling need for a higher CCT (cooler light) can be demonstrated based on supporting evidence. Luminaires may prove qualification by being listed as Dark Sky Friendly by the International Dark Sky Association.

C. LIGHTING OF PARKING LOTS, PASSIVE VEHICULAR STORAGE AREAS, AND EXTERIOR DISPLAY/SALES AREAS

In addition to the General Requirements listed in Paragraph 2 above, the following standards shall apply:

1. Areas designated as parking lots, passive vehicular storage areas, or exterior display/sales areas shall be illuminated so that the average horizontal illuminance at grade level is no more than 5.0 foot-candles. The uniformity ratio (ratio of average to minimum illuminance) shall be no greater than 4:1. The average and minimum shall be computed for only that area designated as parking lots, passive vehicular storage areas, and exterior display/sales areas.
2. The above standards shall also apply to the top and/or unenclosed levels of any parking structure.

D. LIGHTING OF GASOLINE STATION/CONVENIENCE STORE APRONS AND CANOPIES

In addition to the General Requirements listed in Paragraph 2 above, the following standards shall apply:

1. Areas on the apron used for parking or vehicle storage away from the gasoline pump islands, as defined by the extent of the canopy, shall be illuminated in accordance with the requirements for parking areas set forth in Paragraph 3 above. If no gasoline pumps are provided, the entire apron shall be treated as any other parking area.
2. Areas around the pump islands and under the canopies shall be illuminated so that the minimum horizontal illuminance at grade level is at least 1.0 foot-candle and no more than 5.0 foot-candles. The uniformity ratio (ratio of average to minimum illuminance) shall be no greater than 4:1, which yields an average illumination level of no more than 20.0 foot-candles.
3. Light fixtures mounted on canopies shall be recessed, so that the lens cover either is recessed or flush with the bottom surface (ceiling) of the canopy, and/or is shielded by the fixture or the edge of the canopy. The light shall be restrained to no more than 85 degrees from vertical.
4. As an alternative (or supplement) to recessed ceiling lights, indirect lighting may be used whereby light is beamed upward and then reflected down from the underside of the canopy. In this case, fixtures must be

shielded so that direct light is focused exclusively on the underside of the canopy.

5. Lights shall not be mounted on the top or fascias of the canopy, and the sides or fascias of the canopy shall not be illuminated.



*The above photographs illustrate the impact of glare on a lighting installation. The left photo has high-glare, non-recessed fixtures under the canopy. Note how bright the lights themselves are and how dark the pump area is. The right photo shows the same gas station canopy with full-cutoff, recessed fixtures. Note how the light is directed effectively toward the gas pumps. Images from <http://www.skyandtelescope.com>*

#### E. LIGHTING OF BUILDING FAÇADES AND LANDSCAPING

When approved by the Board, building façades of a dark color (such as brick or dark paint), façades of symbolic or historic structures, and/or landscaping features when required for safety, may be illuminated according to the following guidelines:

1. The maximum illumination on any vertical surface or angular roof surface shall not exceed 5.0 foot-candles.
2. Light fixtures shall be carefully located, aimed, and shielded so that light is directed only onto the building façade or the object or area targeted for lighting. Light fixtures shall not be directed toward adjacent properties, streets or roads, nor skyward.
3. Light fixtures mounted on the building and designed to “wash” the façade with light are preferred.
4. To the extent practicable, light fixtures shall be directed downward, below the horizontal plane.

#### F. LIGHTING OF WALKWAYS/BIKEWAYS AND PARKS

1. Areas within parks or along walkways and bikeways to be illuminated shall not exceed an average level of 1.0 foot-candle at grade level.
2. Light fixtures for walkways and bikeways and within parks shall be mounted no more than 15 feet above grade and shall be designed to direct light downward.

#### G. LIGHTING OF SIGNS

1. Fixtures used to illuminate signs shall be located, aimed, and shielded so as to minimize glare perceptible to drivers, pedestrians, bicyclists, and other passersby within adjacent streets or rights-of-way.

2. Floodlights or spotlights used for external lighting of signs shall be mounted above the sign targeted for lighting. Illumination shall be properly focused upon and confined to the area of the sign.
3. Internally lit signs shall be designed with an opaque background so that only the lettering, symbols, or designs shall appear to be lighted in order to minimize glare visible from adjacent streets or rights-of-way.
4. Moving, fluttering, blinking, or flashing lights shall not be permitted for the illumination of signs in order to avoid undue distraction, confusion, or hazard to the surrounding area or vehicular traffic, except as allowed in Section 608 of the Zoning Ordinance.

#### H. PRE-EXISTING OUTDOOR LIGHTING

1. Any light fixture that replaces a pre-existing, non-conforming light fixture, or any light fixture that is relocated, shall meet the standards of these Regulations, unless otherwise approved by the Board.

#### I. EXEMPTIONS

1. Light fixtures used for roadway illumination may be installed at a maximum height of 25 feet and may be positioned at that height up to the edge of any bordering property.
2. Notwithstanding the requirements of this Section, the Board may approve architectural or decorative light fixtures, which are not fully shielded, if such fixtures are designed to minimize glare; direct illumination downward; are not mounted at a height greater than 15 feet; and have an initial output of no more than 1,800 initial lumens (with 1,700 lumens being the typical output of a 100-watt incandescent bulb). In approving such fixtures, the Board may require that the light source be screened by a refractive lens or translucent globe, so that the light source is not directly visible.
3. Hazard-warning lights required by federal regulatory agencies, such as the Federal Aviation Administration (FAA) or Federal Communications Commission (FCC) shall be exempt from these Regulations. In addition, temporary lighting required by police, fire, public authorities, or other emergency services shall be exempt from these Regulations.
4. Seasonal holiday lighting and illumination of the American and state flags shall be exempt from these Regulations, provided that such lighting does not produce glare on roadways or neighboring properties.

### **Section 6.8 – Off-Site Improvements**

The Planning Board may require the Applicant to extend or improve the street, sidewalk, traffic signalization, water, sanitary sewer or storm drainage facilities serving the site, where such extensions or improvements are required to adequately serve the site development proposal, and/or to contribute an impact fee for other types of capital improvements in accord with Section 213 of the Zoning Ordinance, in an amount

reasonably and proportionally related (A) to the capital needs created by the development, and (B) to the benefits accruing to the development from the capital improvements financed by the fee.

## **Section 6.9 – Premature and Scattered Development**

### **A. GENERAL**

The Planning Board may disapprove a site plan application if it determines by majority vote that such application proposes development that is scattered or premature, so as to involve danger or injury to health, safety, or prosperity of the community by reason of the lack of water supply, drainage, transportation, schools, fire department, or other public services or which necessitates an excessive expenditure of public funds for the supply of such services.

For purposes of this section, a development shall be considered scattered or premature if it will cause, or poses an undue risk of causing, a substantial or appreciable adverse impact upon any of the factors or parameters set forth in the General or Specific Purposes of Site Plan Review, as outlined in Sections 1.4 and 1.5 of these Regulations, or as set forth in Section 6.9.B if such information is required to be submitted per Section 5.1.G.4 or Section 5.2.D.

If a development is determined by the Planning Board to be scattered or premature, the applicant may show through both on and off-site improvements made at the expense of the applicant that the development is not scattered or premature or, if so, that such a finding will be overcome by remedial actions of the applicant.

### **B. AREAS OF STUDY AND INFORMATION**

The following areas shall be considered in such studies and such information provided to the Board to determine the effect of the proposed development. The Planning & Development Department may provide administrative guidelines to assist the developer in providing appropriate information.

1. Statement of impact of the proposed development on natural resources and environmental quality including, but not limited to, water quality, air quality, wetlands, soil erosion and agricultural soils and a statement of pollution control and environmental impact mitigation measures.
2. Capacity of the school system; effect on school bus transportation and distance of the proposed subdivision from the nearest elementary school.
3. Adequacy of streets and/or sidewalks in the general area of the development including major intersections providing access, and such other areas as requested by the Board.
4. Sufficiency, availability and capacity of utility services to provide water, fire protection, and sewer, and further, the impact of the development on the municipal solid waste disposal facilities.



5. (If applicable) The impact of on-site subsurface sewage disposal systems as to adjacent wells, water supply systems, and any known aquifers so designated by the United States Geological Survey.
6. Any special fire, police and public safety problems due to location and/or special conditions related to the site's proposed type of use.
7. Impact of storm drainage from the development on abutting properties and potential storm drainage problems both on the site of the development and downstream from the development.
8. Fiscal impact statement analyzing the impact of the development on municipal, school and county revenues and expenditures, including estimated potential tax revenue and estimated number of school children.

## **Section 6.10 – Additional Regulations for the Lebanon Downtown District**

### **A. INTENT**

The purpose of the Lebanon Downtown District is to allow for higher-density and mixed-use development in downtown Lebanon. The site plan regulations are intended to promote an active, diverse, and attractive environment consistent with the mixed-use and historic character of the district. The regulations support screening of parking areas and utility structures, pedestrian connections between sites and uses, usable open space, and pedestrian-scale design details, particularly at the ground-floor level, to promote a safe and stimulating experience. Building and site design elements should ensure quality architecture in the downtown area, foster community pride and local character, and contribute to a unified **streetscape**.

### **B. BUILDING DESIGN**

1. **Preservation.** Within the Lebanon Downtown District, existing and significant historic features of the building and the site should be retained, protected, and incorporated into renovations and complementary new developments. New buildings adjacent to significant historic resources should be designed to complement those resources, such as through use of matching proportions, horizontal expression lines, materials, and/or attention to architectural details like trims and secondary accents. Applications for new development in the Lebanon Downtown District may be required by the Planning Board to include a short narrative on compatibility, with reference to the structural details in the Colburn Park Historic District National Register nomination.
2. **Materials.** Primary construction materials shall be durable, emphasize high-quality finishes, and promote long-term community use, resilience, and character. Along the Downtown Mall and facing Colburn Park, wood siding is discouraged; instead, consider materials such as stone, masonry, unpainted metal, glass, burnished block, or cement fiber siding. Creative architectural design and innovative materials that support best practices in durability, ease of maintenance and sustainability are encouraged. Secondary facades or those not facing public streets, parks or plazas, may

differ in finish materials from principal facades but must adhere to all other provisions and be of similar quality to principal facades.

3. **Opaque Surfaces.** Areas of opaque or blank wall without windows or doors shall extend no more than 20 feet horizontally on or along any building facade that faces a public way, park, or plaza and shall be mitigated by design strategies like varied materials, contrasting textures or depths, decorative reliefs, green walls, murals, or other architectural and landscaping strategies.
4. **Façade Detail.** Facades shall include horizontal lines of expression—such as string courses, cornices, window alignments, step-backs, building-affixed lighting, sign bands, material changes, and/or shading devices—to demarcate building floors and uses, to correspond to the height of adjacent historic or significant buildings, and to provide a well-proportioned pattern to the building facade.
5. **Screening.** HVAC, mechanical and electrical equipment, transformers, plumbing, meter clusters, refuse and other utility and storage elements must be screened or otherwise integrated unobtrusively into the overall building and site design and away from the public view as much as possible.
6. **Orientation.** Buildings shall be oriented towards public ways and sidewalks to prioritize pedestrian access. Buildings shall respond to public trails, including the Northern Rail Trail and Mascoma River Greenway, as a secondary access point where appropriate. Along the riverfront and Downtown Mall, buildings shall be oriented towards major public spaces and pedestrian ways.
7. **Form.** Facades of larger buildings shall demonstrate variation and include elements at a range of scales that help relate the overall building to the size of nearby buildings, prevent a monolithic appearance, and promote good scale relationships to a variety of context elements.
  - a. Large façades with over 100 linear feet of building frontage shall incorporate variations in materials and architectural styles, as well as details. Changes in massing, shape, or plane shall emphasize vertical proportions in the overall building massing. The maximum building length is 350 feet, or up to 500 feet if a pedestrian passage is provided in the approximate center.
  - b. Pedestrian-oriented entrances shall be provided at least every 60 linear feet unless such egress would create safety or security concerns for the building use. In such instances, a significant architectural feature that creates varied massing, such as a bay window or other feature, must be provided every 60 linear feet of the principal building façade.
  - c. Stair towers and elevators, where visible from the street, shall be designed with consideration of their potential as a strong vertical design element.

8. **Roof.** Design and elements should vary by use and location.
- a. Roofs may be flat or sloped as most appropriate to the use of the building, site features, and the context of neighboring buildings, and with consideration to solar potential and to directing snow/runoff to appropriate facilities to prioritize safety.
  - b. The roof edge must be articulated and offer visual interest through features such as a cornice, parapet, soffit, or overhang. The design emphasis shall be on the building's street-facing facades, with consideration to the overall profile and character of the downtown Lebanon skyline from gateway approaches and high-volume pedestrian routes.
  - c. Decorative features including cupolas, finials, dormers, chimneys or weather vanes, and/or cresting should also be considered as part of an overall roof treatment, particularly as a part of prominent buildings and where such details are complementary to surrounding neighborhoods.
  - d. Roof space may be utilized to accommodate building HVAC and similar systems, with screening where necessary, and to incorporate sustainability features such as passive solar orientation, rainwater or snowmelt capture, and/or installation of renewable energy equipment. Usable open spaces provided as part of features such as roof decks and green roofs are also appropriate.
9. **Building Façade Transparency.** The transparency requirements set forth in this section are intended to support and encourage vibrant and active shopping and dining areas in Downtown Lebanon.
- a. *Applicability.* The requirements in this section shall apply to building facades along the following Primary Streets and Secondary Streets within the Lebanon Downtown District:
    - i. Primary Streets. The Downtown Mall, Taylor Street within 500 feet of the Downtown Mall, Hanover Street from Hough Street to Church Street, Mechanic Street, Court Street, West Park Street from Hanover Street to Court Street, and North Park Street from Court Street to Campbell Street.
    - ii. Secondary Streets. Hanover Street from NH Route 120 to Hough Street, Mascoma Street, Foundry Street, Church Street, High Street, Water Street, East Park Street, Bank Street, Taylor Street more than 500 feet from the Downtown Mall, Campbell Street, and Spencer Street.

b. *Street-Level Story.*

i. Non-Residential Uses. For non-residential uses, other than those listed in Section 307.2 (4) and (20), the following requirements shall apply to the principal façade:

- (a) Primary Street: At a minimum, 50 percent of the building's façade shall be comprised of transparent windows or glass doors or both that allow views and/or daylight between interior and exterior spaces.
- (b) Secondary Street: At a minimum, 35 percent of the building's façade shall be comprised of transparent windows or glass doors that allow views and/or daylight between interior and exterior spaces.
- (c) For purposes of this calculation, the minimum area of transparency applies from 2 feet above the finished grade of the building to the average top of ground floor windows or doors. Reduced areas of transparency may be acceptable to accommodate historic or context-sensitive architecture styles or window patterns.
- (d) Storefront Windows. Display windows may provide up to 50 percent of the transparency requirement for views into and out of interior building space provided they are at least 30 inches in depth to allow for changeable displays.
- (e) In the case of a street-level story having less than its full height above the mean grade level at the building line, a minimum of 15 percent of the building façade above such mean grade level shall be comprised of windows or glass doors or both that allow views into and out of the interior building space, provided that in the case of a street-level story having less than five feet of its height above the grade level at the building line, the requirements of this subsection (i) or (ii) shall not apply.

ii. Residential Uses. For residential uses, the following requirements shall apply to the principal façade:

- (a) A minimum of 25 percent of the building façade shall be comprised of windows or glass doors or both that allow views into and out of the interior building space.
- (b) For purposes of this calculation, the minimum area of transparency applies from 2 feet above the finished grade of the building to the average top of ground floor windows. Reduced areas of transparency may be acceptable to accommodate historic or context-sensitive architecture styles.

- (c) In the case of a street-level story having less than its full height above the mean grade level at the building line, a minimum of 10 percent of the building façade above such mean grade level shall be comprised of windows or glass doors or both that allow views into and out of the interior building space, provided that in the case of a street-level story having less than five feet of its height above the grade level at the building line, the requirements of this subsection “i” shall not apply.
- (d) In all cases, windows shall be double-hung, single-hung, awning or casement type, and fixed windows shall be permitted only as a component of a system including operable windows within a single wall opening.

c. *Upper Stories.*

- i. Non-Residential Uses. For non-residential uses, other than those listed in Section 307.2 (4) and (20), windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 25 percent of the building façade between the floor level of each story above the street-level story.
- ii. Residential Uses. For residential uses, windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 25 percent of the building façade between the floor level of each story above the street-level story. Windows shall be double-hung, single-hung, awning or casement type, and fixed windows shall be permitted only as a component of a system including operable windows within a single wall opening.

10. **Entrances.**

- a. The primary entrance to the building shall be oriented toward the street on which the lot has frontage. If the lot has frontage on both a primary street and secondary street, as defined above, the main entrance shall be oriented toward the primary street on which the lot has frontage. If the lot has frontage on more than one primary street, the main entrance to the building shall be oriented toward the street that carries the greatest volume of pedestrian and vehicle traffic.
- b. Entrance features shall provide weather protection. Such features may include covered entrance features, vestibules or recessed entrances, canopies, and/or awnings. Retractable awnings or other removable entrance features are permitted as appropriate to building use and design. When such open-air structures are provided as part of an entrance feature, they shall provide at least 8 feet and 6 inches of vertical clearance from grade, be

compatible with any sign bands, and provide an average depth of at least 5 feet.

- c. Buildings with ground floor residential uses shall include raised landings, weather protection, stoops, porches, and/or decks, for each lobby or unit accessed from the exterior at the ground-floor level.

## C. SITE DESIGN

### 1. **Pedestrian Access.**

- a. Each building entrance must be designed to prioritize convenience and directness for that respective entrance's anticipated main source(s) of pedestrian traffic, such as *transit* stops and parking areas. The primary building entrance, or the entrance that will accommodate most pedestrians entering a building, must be inviting and prominent in appearance, demonstrate visibility from the primary public right-of-way, and support the accessibility function required of all entrances. Pedestrian access includes paths, sidewalks, trails, or other features. Universally-accessible design strategies are appropriate for all pedestrian access features.
- b. Where pedestrian access is provided through an on-site parking area, the walkway or pedestrian aisle must be clearly demarcated by contrasting paint, material changes or textured surfacing, reflectors, safety signage, landscaping, or attractive barriers. The transition area between pedestrian access and building entrance, particularly for on-site crosswalks, shall be highlighted through curb extensions (bump outs), planters, pedestrian-scale lighting such as decorative bollards, or similar features to enhance accessibility, visibility, safety, wayfinding, and landscaping.

### 2. **Front Yards.**

- a. *Ground Floor Residential.*
  - i. The front yards of buildings with ground floor residential uses must create a comfortable transition between the private residential unit and public right-of-way, as may be provided by compact yards, porches, stoops, or other features that allow for privacy, improved *streetscape*, and attractive building entrances.
  - ii. The front yard shall be improved with landscaping appropriate to the site features and context of neighboring properties. Usable open space that is readily-accessible by building occupants and landscaped for active or passive recreation is encouraged as part of front yards.

- iii. Service areas, equipment storage, meters, waste enclosures and similar functions shall not be located in the front yard.
  - b. *Commercial Uses.* Where a front yard is provided for a commercial use, it must foster a safe and inviting pedestrian environment.
    - i. The front yard shall be improved with an extended sidewalk area, outdoor dining patio areas, plazas, or similar usable open space that can be readily-occupied by building occupants or visitors.
    - ii. Pedestrian areas shall incorporate design features that offer function, visual interest, and are complementary to the building design, use, and surrounding context. Examples include soft- and hard-surface landscaping, planters, pocket parks, decorative surface treatments, shading like pergolas or patio umbrellas, vertical trellises or wall plantings, bike racks, artwork and attractive design elements, pedestrian-scale lighting, and public seating.
    - iii. Service areas, equipment storage, utility boxes, fuel storage, waste enclosures, and similar functions shall not be located in the front yard.
- 3. **Perimeter Landscaping.** Perimeter landscaping shall comply with the requirements for front yards and screening of parking areas, and, where proposed development of the site allows, the requirements for perimeter landscaping in Section 6.2.B.
- 4. **Screening of Parking Areas.** Parking areas shall be screened to ensure that they do not detract from downtown appearance or walkability. Off-street parking shall be designed to have a minimal presence, if any, along streets and other public spaces.
  - a. *Accessory Parking Areas.* For parking areas located on the same lot as a building containing the principal use, a landscaped buffer of at least 5 feet shall be provided along the frontage of any primary street or secondary street, as defined above. The buffer shall be designed to create an attractive **streetscape** and shall be provided through an appropriate combination of plantings, planters, benches, fences, public art, pedestrian-scale lighting, and low walls under four feet in height.
  - b. *Principal Use Parking Areas.* For lots and areas where parking is the principal use, a screen shall be provided along any primary street or secondary street, as defined above. The screen shall include landscaping having a width of between 5 feet and 10 feet. At least one tree shall be planted for every 50 linear feet of landscaping area. Semi-opaque materials or gaps allowing for views into and out of the screened area are required for any barriers exceeding four feet in height.

- c. *Guidelines for Parking Structures.* When parking is provided in a parking structure, any portion of the parking structure with frontage on a public street shall be designed to architectural standards including openings, high-quality materials, and varied design elements. When a parking structure is located on a lot with frontage on a primary street, as defined above, the parking structure shall be screened by occupied housing, retail, or other uses along that frontage. Occupied uses shall have a depth of at least 20 feet and comply with the Site Plan Regulations regarding building design.

**5. Relationship to Adjacent Properties.**

- a. *District and Street-level Character.* The building and site design must respond to the unique qualities and roles of different streets. For example, the design of lighting, awnings, storefronts, window displays, and other elements should help to define retail presence and reinforce local neighborhood and district character through application of compatible and/or common styles that foster a coherent downtown identity.
- b. *Privacy Standards.* Balconies or rooftop decks within 15 horizontal feet of a side property line abutting a residentially zoned property must feature a railing system such that at least 50% of the area below the railing is an opaque material.
- c. *Ensuring Adequate Light and Air Access.* Buildings or portions thereof containing multi-family residential units whose only operable windows or solar access are on the applicable side of the building (facing towards the side or rear property line) should be set back from the applicable side or rear property lines at least 15 feet.

**ARTICLE VII – WAIVER PROCEDURE**

**Section 7.1 – General Requirements**

Upon written request of the Applicant, the Planning Board may, at its discretion, waive or modify any part of these Regulations, other than those regulations required by state law. The basis for any such waiver or modification granted by the Board shall be recorded in the minutes of the Board. The Board may only grant a waiver or modification of these Regulations if the Board finds, by majority vote, that:

- A. Strict conformity would pose an unnecessary hardship to the Applicant and waiver would not be contrary to the spirit and intent of the regulations; or
- B. Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.



All written requests for waiver or modification of these Regulations shall address items A and/or B above, depending on which criteria are being relied upon to justify the request.

For waivers from a submission requirement (Article V), when the Planning Board accepts an application as sufficiently complete to invoke jurisdiction and commence review pursuant to Section 4.7 of these Regulations, the Board, in effect, makes a tentative finding that the above criteria have been met. If, during the course of its review, the Planning Board determines that the waived information is necessary to complete its review, then the Applicant shall provide that information.

### **Section 7.2 – General Waiver Exclusions**

- A. Waivers from landscaping requirements shall not be considered in cases where adequate parking areas cannot be provided due to landscaping requirements. In such cases, the development shall be scaled down so that landscaping requirements can be met.
- B. The Planning Board shall not waive the requirement for public hearing except in such instances when no site plan review is required.

## **ARTICLE VIII – CONSTRUCTION, COMPLETION, AND BONDING**

### **Section 8.1 – Period for Construction and Completion of the Work**

The Applicant shall construct and complete all design and construction requirements in accordance with Article VI and any other applicable section of these Regulations, as required in the Notice of Action, prior to the issuance of the Certificate of Occupancy.

### **Section 8.2 – Inspection of Improvements**

Where deemed appropriate and necessary by the Board, the City shall provide for inspection of required street, utility, drainage, and/or erosion control improvements during construction to insure their satisfactory completion. The Applicant shall pay to the City a fee estimated to cover the cost of the inspection services as determined by the Reviewing Engineer. No building permits shall be issued until all such fees are paid. If the Reviewing Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the approved plans, the Notice of Action, and these Regulations, the Applicant shall be responsible for completing any required alterations of the improvements to bring them into compliance.

### **Section 8.3 – Security for Site Plan Improvements**

- A. Certificate of Occupancy/Incomplete Site Work
  - 1. In the event that the Applicant is entitled to a Certificate of Occupancy under the Lebanon Building Code, but for work that cannot be completed because of weather-related reasons (for example, landscaping and paving postponed due to cold weather), then the Applicant may post security in an amount equal to the cost of completing the work required in the Notice of Action. (See Section 1.6, “Compliance.”) The Planning Director may deny the request for a Certificate of Occupancy if he or she determines

that the work could have been completed within the usual construction season. Such denial may be appealed by the Applicant to the Planning Board, which shall either affirm or reverse the decision of the Planning Director. The provisions of this section are not intended to be used or interpreted to permit occupancy of a development prior to the completion of required improvements when there are no circumstances existing which limit an applicant's ability to complete such required improvements.

2. The amount of the security shall be determined by the Public Works Director and the duration of the security shall be determined by the Planning Director.
3. The financial security shall be released when the Planning Director is satisfied that the Applicant has complied with all requirements set forth in the Notice of Action.

B. Off-Site Improvements

Security to guarantee completion within 2 years of all off-site improvements is required. The amount of the security shall be set by the Planning Board, which shall obtain the recommendation of the Public Works Director.

C. On-Site Improvements

The Planning Board may require security to guarantee completion of all site improvements within 2 years for site plans for which the cost of site improvements is expected to exceed \$25,000, or for which incomplete site work could pose a special hazard to the environment; be injurious to abutting properties, the neighborhood, or public services and facilities; or cause unnecessary municipal expense. The amount of such security shall be intended to cover the cost of completing all site improvements and shall be set by the Planning Board, which shall obtain the recommendation of the Public Works Director.

D. Nature of Security

Security required by this section shall be in the form of a bond issued by a surety registered to do business in the State of New Hampshire, an irrevocable letter of credit from an institution acceptable to the City Manager, an escrow account, or similar security. Security shall not be in the form of a mortgage on real estate, a security interest in equipment or inventory or similar instruments. The form of the security shall be reviewed and approved by municipal counsel.

E. Enforcement of Security

If the Applicant does not complete improvements in accordance with the terms of the security, the City shall enforce its rights to call the security and complete the work. In the event that the City is required to enforce the security, the City may reimburse itself for its costs and reasonable attorney's fees incurred in the enforcement from the amount of the security, and, if legal action is required, the City shall be entitled to an award of its costs and reasonable attorney's fees.

## **Section 8.4 – Active and Substantial Development and Substantial Completion**

As provided for in RSA 674:39, III, the Board may specify the threshold levels of work that shall constitute the following terms, with due regard to the scope and details of a particular project:

### **A. Active and Substantial Development or Building**

1. For purposes of these Regulations, unless modified by the Board at the time of approval of a specific application, the completion of all of the following shall imply “Active and Substantial Development or Building” when inspected and approved by the Reviewing Engineer:
  - a. Construction of and/or installation of basic infrastructure to support the development (including all of the following: roadways, access ways, parking lots, etc. to a minimum gravel base; and water and wastewater lines and other utilities placed in underground conduit ready for connection to proposed buildings/structures) in accordance with the approved plans; and,
  - b. Construction and completion of drainage improvements to service the development (including all of the following: detention/retention basins, treatment swales, pipes, underdrains, catch basins, etc.) in accordance with the approved plans; and,
  - c. Placement and maintenance of all erosion control measures on the site as specified on the approved plans.

Movement of earth, excavation, or logging of a site without completion of items a, b, and c above, shall not be considered “Active and Substantial Development or Building.” Plans approved in phases shall be subject to this definition for the phase or phases currently being developed.

2. Unless otherwise specified by the Board, Active and Substantial Development or Building shall be achieved within two (2) years from the date of the Planning Board’s approval.
3. The time for completion of Active and Substantial Development or Building may be extended for good cause by the Planning Board. A request for an extension of time within which to complete such Active and Substantial Development or Building shall be submitted by the Applicant to the Planning and Development Department prior to such expiration date for review in accordance with the provisions of Section 4.10 of these Regulations. Requests for extension of time to complete Active and Substantial Development or Building received after the expiration date shall not be considered by the Board. An extension may be granted only after a public hearing with notice as provided in Section 4.8 of these Regulations.

In no event shall the time for completion of Active and Substantial Development or Building be extended to more than five (5) years from the date of the Planning Board’s approval, unless the development has been

approved for completion in phases in accordance with Section 4.9 of these Regulations. In the event the Planning Board approves an extension request, the Applicant shall be required to update any Security Agreements or other documents, as necessary, to reflect the dates of the extended approval.

**B. Substantial Completion**

1. For purposes of these Regulations, unless modified by the Board at the time of approval of a specific application, Substantial Completion shall be deemed to have occurred when all on-site and off-site improvements specified in the Site Plan approval have been constructed or installed by the Applicant and inspected and approved by the Reviewing Engineer, except for those improvements which are explicitly deferred by vote of the Board.

In the event that the City calls a performance security for such improvements and the funds are paid to the City, Substantial Completion of the improvements in the subdivision shall be deemed to have occurred.

2. Unless the Site Plan has been approved for completion in phases in accordance with Section 4.9 of these Regulations, or as otherwise specified by the Board, Substantial Completion shall be achieved within five (5) years from the date of the Planning Board's approval.

**ARTICLE IX – MODIFICATIONS AND MINOR ALTERATIONS TO AN APPROVED SITE PLAN  
PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY**

**Section 9.1 – Modifications to an Approved Site Plan**

Once a plan has received approval from the Board (or, as applicable, the Minor Site Plan Committee) and prior to the issuance of a Certificate of Occupancy, no modification shall take place unless the modification of the plan has been approved by the Board (or, as applicable, the Minor Site Plan Committee), except as provided by Section 9.2 below. Following the issuance of a Certificate of Occupancy for an approved Site Plan, any changes proposed to a tract for multi-family or non-residential use shall be addressed under the provisions of Article III of these Regulations.

Modifications shall normally be treated by the Board (or, as applicable, the Minor Site Plan Committee) as a new plan application, which will require notification of abutting property owners, a public hearing, staff review, and formal Board (or, as applicable, Minor Site Plan Committee) action. A request for a modification which would entail a reversal or relaxation of any condition or determination made by the Board (or, as applicable, the Minor Site Plan Committee) as part of its original approval, shall not be heard unless the applicant demonstrates that a material change of circumstances has occurred affecting the merits of the original application.

Modifications to an Approved Site Plan granted by the Planning Board (or, as applicable, the Minor Site Plan Committee) pursuant to this paragraph shall not alter the time periods set forth in Section 4.10 of these Regulations for expiration of Site Plan Approval, unless the Planning Board (or, as applicable, the Minor Site Plan Committee), for good

cause stated in its written Notice of Action, explicitly specifies some alternative expiration date.

### **Section 9.2 – Minor Alterations to an Approved Site Plan**

- A. A minor alteration may be approved in writing by the Planning Director subsequent to final site plan approval, but prior to the issuance of a Certificate of Occupancy, if the alteration is not deemed to be a **material change** in the plan, and if the alteration is either necessitated by unforeseen or unanticipated circumstances, or constitutes a deviation from the plan which was constructed or installed as a result of a good-faith error, rather than negligence. The full Board (or, as applicable, the Minor Site Plan Committee) shall be notified in writing of any such approval within 30 days of the approval, and the Applicant shall submit a revised site plan to the Planning and Development Department reflecting the approved minor alteration.
- B. For purposes of this section, a change shall be deemed to be a minor alteration only if all of the following apply:
  - 1. It is relatively minor, in light of the overall scope of the approval;
  - 2. It does not result in a violation of any express condition of the approval, or of any zoning or other local, state, or federal regulatory provision, and;
  - 3. The Planning Director concludes that no reasonable Board (or, as applicable, Minor Site Plan Committee) member could consider the change as grounds for reconsidering or altering any aspect of the Notice of Action.

Any modification which does not meet these criteria may be approved only as provided in Section 9.1 of these Regulations.

- C. The applicant, any Board member (or, as applicable, Minor Site Plan Committee member), or any person aggrieved may make a written request for an approval under this section to be reviewed by the full Board (or, as applicable, the Minor Site Plan Committee). The Board (or, as applicable, the Minor Site Plan Committee) shall act on the request within a reasonable time. Such a determination shall be considered administrative, and no noticed public hearing shall be required. The Board (or, as applicable, the Minor Site Plan Committee), by majority vote, shall either affirm the approval of the minor alteration, or shall require the owner or applicant to submit a modification request under Section 9.1 of these Regulations.

### **Section 9.3 – Disclaimer**

The issuance of a Certificate of Occupancy does not absolve the Property Owner from meeting all conditions of the approved site plan. The Property Owner is obligated to maintain the site according to the approved site plan.

## **ARTICLE X – FINES AND PENALTIES**

These regulations shall be enforced as provided in RSA Chapter 676, and in the event of any violation, the City Manager shall authorize legal action of injunctive relief and/or such fines and penalties as may be provided by law, including but not limited to any and all remedies and relief as may be available under RSA Chapter 676.

## **ARTICLE XI – AMENDMENTS**

Amendments to these Regulations shall be made in the manner as required by law.

Adopted:	May 9, 1977	
Amended:	November 13, 1978	
Amended:	August 11, 1980	
Amended:	October 19, 1981	
Amended:	June 14, 1988	
Amended:	August 30, 1994	
Amended:	October 19, 1998	(Total Revision of Regulations)
Amended:	March 22, 1999	Section 6.6 - Off-Site Improvements
Amended:	March 12, 2001	Section 6.6 - Off-Site Improvements
Amended:	November 9, 2009	Rewrite Articles III, IV, V, & IX; New Definitions
Amended:	September 11, 2012	Revise Articles II, III, IV, V, VI, VII, VIII, & IX;
Amended:	March 12, 2013	Section 4.8 – Procedure for Site Plan Review
Amended:	September 12, 2016	Section 6.6- Stormwater Management, Revise Article II, IV, VI, V
Amended:	December 10, 2018	Section 4.10 - Expiration of Site Plan Approval
Amended:	November 12, 2019	Section 4.7 – Reviewing Engineer Fees; related revisions to Sections 4.8, 5.1, 6.5, 6.6, 8.2, and 8.4
Amended:	January 27, 2020	Section 5.1 – sewer & water allocation process, and Section 6.10 – Lebanon Downtown District design standards
Amended:	March 22, 2021	Section 1.3; Article II – Definitions; and Sections 4.2, 5.1.E, 5.1.G, 5.2, 6.1, 6.2.B, 6.2.E, 6.2.H, 6.2.L, 6.2.N, 6.5, 6.7, and 6.9
Amended:	June 28, 2021	Section 1.6.A; Article II – Definitions; and Sections 4.3.1, 4.7.C.1, 5.1.E.15 & 24, 6.1.A & B, 6.3, 6.5.B-D & I, and Appendix A
Amended:	September 13, 2021	Minor Site Plan Committee (Sections 1.1 & 1.6, Article II – Definitions, Sections 3.1, 3.2, 4.1, 4.3.1, 5.1, 9.1 & 9.2)

## **ARTICLE XII – APPLICATION OF AMENDMENTS**

These Regulations or any amendment thereto shall not apply to any completed application accepted by the Planning Board prior to the posting of the first public hearing on these Regulations or any amendment thereto. In such circumstances, the Regulations in effect at the time of the accepted completed application shall apply. The effective date of these Regulations or any amendment thereto is the date of the filing with the Lebanon City Clerk.

# CITY OF LEBANON SITE PLAN REGULATIONS

## APPENDIX A

### BICYCLE STORAGE

This guide provides detailed requirements for bike storage design and is part of the City's Site Plan Review development regulations

The benefits of providing bicycle parking/storage and associated ped-bike facilities like lockers and showers include their value in supporting a community and properties that are:

- *Equitable*: Bike-friendly housing and workplaces enable accessibility for affordable transportation/housing and also protect cyclists' investments in equipment, especially for those who do not own cars.
- *Manageable*: For property managers, storage helps protect elevators, walls, carpets etc. as bikes are not brought indoors to apartments/offices. Also prevents hazards and eyesores of random parking.
- *Economical*: Less expensive to build than vehicle parking, better land use and saves on law enforcement resources (less impoundment).
- *Desirable*: Attract employees and residents—many value such features.
- *Impactful*: Racks and showers facilitate an active, healthy community benefiting cyclists and whole community, also reducing traffic/emissions.

Two types of bike parking are required in the Site Plan regulations, **Short-Term** and **Long-Term** storage, which are detailed on the following pages and can be summarized as (source: [APBP Essentials of Bike Parking](#)):



*Short-term bicycle parking/storage includes racks and comparable equipment that is convenient and easy to use, for parking periods less than 4 hours.*

- (1) Must be simple to operate and have as few moving parts as possible.
- (2) Must be easily accessed from the street and protected from motor vehicles. Locate no more than 50 feet walking distance from a major pedestrian entrance, with direct access (e.g., a walking route). Access must be at least 5 feet wide with a grade no greater than 8 percent; landings may be considered.
- (3) Must not obstruct other uses. May be in front or rear setbacks as long as adequate spacing of the racks is assured and so that the right-of-way is not obstructed; do not block foot traffic and vehicle driver sightlines and have a minimum height of 2.5 feet so as to not create a tripping hazard. Support clear and maneuverable bike/rider access, ability for snow removal equipment to navigate around the rack and adequate clearance from vehicle parking, curb ramps, transit loading areas, utility poles, etc.
- (4) Covered parking, when required per Site Plan Review regulations, must provide enclosure from the elements. Otherwise, sheltered racks may be integrated with the primary structure's weather protection (e.g., awnings, porches).
- (5) Each side of a rack may count as a required space where a bike can be locked on both sides of the rack component without conflict.
- (6) Types of short-term storage (examples illustrated below):
  - a. should accommodate a wide range of bicycle shapes and sizes
  - b. must have a no-maintenance finish that won't chip, peel, or rust, with galvanized steel finishes preferred
  - c. must be securely anchored on a permanent, tamper-proof fixed surface for stability
  - d. must be functional for both U-locks and cable locks,
  - e. must support a standard bicycle at 2 points of contact to prevent damage to the bicycle wheels and frame, allowing the bike to stand upright with both wheels on the ground (without requiring kickstand to stay upright and without requiring support by the wheel-only)
  - f. preferred permanent fixture styles include: the rail/staple/A type rack made of 2" galvanized pipe, 54" long by 32" high, which holds two bikes; the inverted U-rack; or cycle-stall corrals
  - g. temporary fixture styles, such as for monitored event parking include public on-street or on-sidewalk corrals with installation coordinated by the City; these are encouraged for large events to reduce traffic impacts and vehicle parking needs.



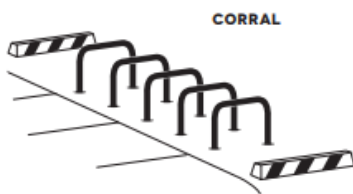
## Sample Acceptable Short-Term Bike Storage



**INVERTED U**



**POST & RING**



**CORRAL**

## Sample Unacceptable Short-Term Bike Storage

### RACKS TO AVOID

Because of performance concerns, APBP recommends selecting other racks instead of these.

**WAVE**  
also called undulating  
or serpentine



Not intuitive or user-friendly; real-world use of this style often falls short of expectations; supports bike frame at only one location when used as intended.

**SCHOOLYARD**  
also called  
comb, grid



Does not allow locking of frame and can lead to wheel damage. Inappropriate for most public uses, but useful for temporary attended bike storage at events and in locations with no theft concerns. Sometimes preferred by recreational riders, who may travel without locks and tend to monitor their bikes while parked.

**COATHANGER**



This style has a top bar that limits the types of bikes it can accommodate.

**WHEELWELL**



Racks that cradle bicycles with only a wheelwell do not provide suitable security, pose a tripping hazard, and can lead to wheel damage.

**BOLLARD**



This style typically does not appropriately support a bike's frame at two separate locations.

**SPIRAL**



Despite possible aesthetic appeal, spiral racks have functional downsides related to access, real-world use, and the need to lift a wheel to park.

**SWING ARM  
SECURED**



These racks are intended to capture a bike's frame and both wheels with a pivoting arm. In practice, they accommodate only limited bike types and have moving parts that create unneeded complications.

For additional ideas → See the links under the References section below, particularly #4 and #7.

*Long-term bicycle parking/storage includes lockers and rooms that are secure and fully sheltered, for parking of 4 hours or more.*

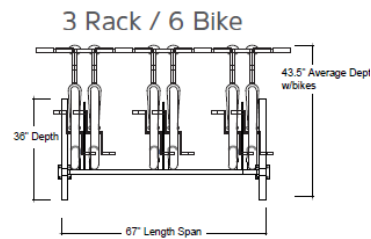
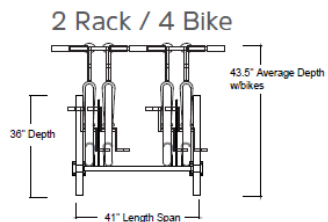
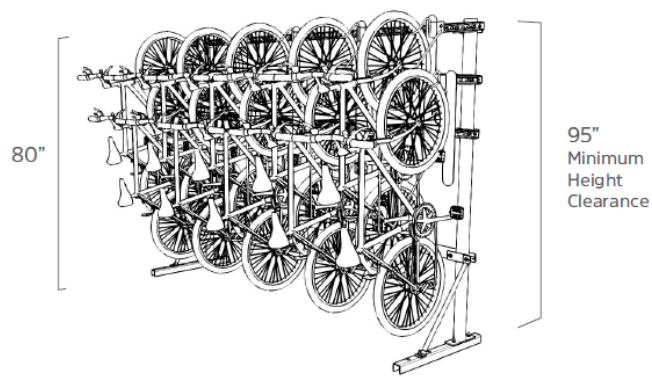
- (1) Shall be intended primarily to serve residents, employees or other persons who would require storage of a bicycle for a substantial portion of the day, for an overnight period, or for multiple days; however, it may serve other bicycle users as needed.
- (2) Provide secure individual spaces (separate from other bikes) or permit bicycles to be secured individually, with tamper-proof built-in locks or ability to be locked individually.
- (3) Locate within 50 feet walking distance of any functional entry and be easily accessible to all building users.
- (4) Dedicated lockers etc. do not require assignment per unit. Long-term bicycle storage may be utilized for general storage needs in addition to bike parking, where space is designed for such and to maximize utilization of space, however dedicated bike storage should not also serve as the primary storage space for units.
- (5) To accommodate a range of physical capabilities, provide a minimum 50 percent of racks which do not require the user to lift their bike above the floor or ground more than 1 foot, and which store the bicycles in a horizontal position (upright with both wheels parallel to the surface where the rack is installed).
- (6) Must be in a high-visibility and/or separate limited access space that is fully sheltered/enclosed to protect bicycles from precipitation and theft.
- (7) Acceptable long-term storage space types include but are not limited to the following types (examples illustrated below):
  - a. Motor vehicle garages. Structured vehicle parking such as individual/separated vehicle garage units with adequate additional spacing for bikes may meet this requirement.
  - b. Bicycle lockers or pods. Individual locked enclosure, indoors or outdoors, for one bicycle.
  - c. Bicycle rooms. Located in private building or multifamily housing with access control. May be located in a publicly accessible storefront with attendant or access control. May include other amenities such as showers, changing areas or clothing lockers.
  - d. Bicycle cages. Located in private buildings or multifamily housing parking garage with access control.
  - e. Bicycle parking structure. Also known as a secure parking area. Standalone structure with access control, such as by an attendant or security system. Appropriate for campuses and similar building clusters, or adjacent to residential or office buildings as accessory uses.
  - f. Bicycle parking station. Space protected continuously by a security system, such as camera surveillance or an attendant or co-located with transportation facilities, e.g., parking garage, bus shelter, Park & Ride.



*Sample Acceptable Long-Term Bike Storage*



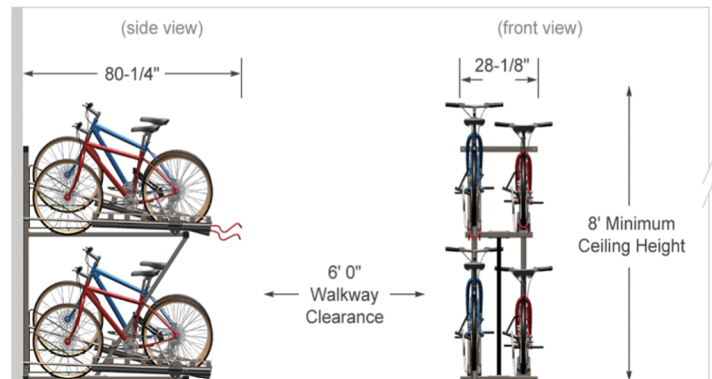




For additional ideas → See the links under the References section below, particularly #4 and #7.

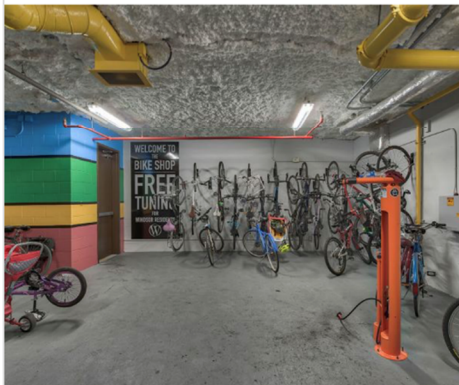
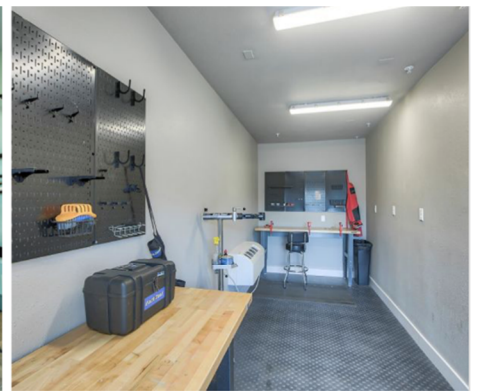
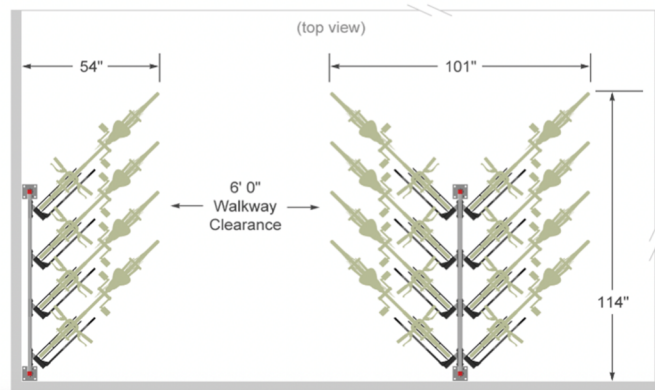
## Hi-Density Bike Racks

For maximum capacity, the [Hi-Density Bike Rack](#) offers cost-efficient bike parking with two-tier capacity. Simply roll the bike along the channel provided to secure the wheel and bike frame in place. Each Hi-Density Bike Rack allows double-tier parking to hold four bicycles.



## Bike Stalls

The CycleSafe [Bike Stall](#) can store up to eight bikes per five foot section. Bikes can be placed at 45° angles to allow for wider aisles.



## Sample RESIDENTIAL Bike Rack Calculations (based on formulas in the Site Plan regulations)

*\*round up to nearest whole number*

- Short-term storage – 15% of units **at minimum**
  - 10 units = 2 outdoor bike space
  - 50 units = 8 outdoor bike spaces
- Long-term storage – 30% of units **at minimum**
  - 10 units = 3 covered bike spaces/storage units
  - 100 units = 30 covered bike spaces/storage units

## Sample NON-RESIDENTIAL Bike Rack Calculations (based on formulas in the Site Plan regulations)

- Short-term storage – 10% of auto spaces OR 5% of occupants **at minimum**
  - 5 auto spaces = 2 outdoor bike rack spaces (min. to provide at least 2)
  - 50 auto spaces = 5 outdoor bike rack spaces
  - 100 auto spaces = 10 outdoor bike rack spaces.
- Long-term storage – only if over 200 auto spaces, provide 25% of the required 20 total bike rack spaces as LT storage **at minimum**
  - If 200 auto spaces and 20 bike rack spaces required, 25% or 5 of those must be LT storage. 200 car stalls = 15 outdoor bike stalls + 5 covered bike stalls
  - If 300 auto spaces and 30 bike rack spaces required, 25% or 8 of those must be LT storage. 300 car stalls = 22 outdoor bike stalls + 8 covered bike stalls

## General Guidance for All Bike Storage

Enhancements and storage with flexible dimensions are encouraged (e.g., charging outlets or extra space for \*electric bikes, integration with public artwork, repair/air pump kiosk, automated doors, bikeshare programming, adaptive tricycle and recumbent bike parking etc.).

Alternate designs will be considered provided the design meets or exceeds the intent of this section, with reference recommended to the FHWA University Course on Bicycle and Pedestrian Transportation, Lesson 17 (2006) and American Association of State Highway and Transportation Officials (AASHTO) *Bicycle Guidelines* and *Bicycle Parking Guidelines* (2002) for “recommended” (e.g., post & loop, inverted “U” or “staple”, “A”) and “not recommended” (e.g., wave, toast, and comb) bicycle racks. *Note: an “e-bike” is a bicycle equipped with a low-speed electric motor. In New Hampshire, E-bikes are typically allowed on public ways, where not otherwise regulated (N.H. Rev. Stat. §259:6, 259:27, 265:144, effective as of August 18, 2019). There are three classes of pedal and no-pedal assist e-bikes.*

Wayfinding and facility signage are best practices.



A Bicycle Parking Area sign (MUTCD sign D4-3 at left) may be installed where it is desirable to show the direction to a designated short- or long-term bicycle parking area. The arrow may be reversed as appropriate. Other examples of signage that should be placed on or near bike parking are below.



## Related References

### 1. 2012 Lebanon Master Plan

OUTCOME 1: Continue revitalization of the Lebanon Central Business District.	
3.1.A8	Provide improved and attractive streetscape amenities, such as movable planters, seating, adequate trash cans, and <b>bicycle racks</b> throughout the CBD.
OUTCOME 1: Promote revitalization of the West Lebanon CBD to improve the viability of its businesses and vitality of surrounding community.	
4.1.A10	Develop a plan for a safe, convenient, and attractive network of pedestrian paths, bikeways, and bike lanes, including connections to parks and transit stops, as well as <b>bike racks</b> .
OUTCOME 4: Promote active living, biking and walking as part of the daily routine, which has dramatic improvements in public health.	
9.4.A4	Install bicycle racks, showers, and lockers in public spaces throughout the community.
9.4.A5	<b>Require developers to install bicycle racks, showers, and lockers as part of site plan approval.</b>

- Lebanon Complete Streets Policy - Lebanon's Complete Streets [Policy](#) notes under design guidance that "The City shall utilize the latest accepted or adopted design standards available, including [NACTO and AASHTO]"
- Lebanon – 2017 Bike Friendly Community - The [report card](#) includes key next steps: "Policies and practices relating to bicycle parking could be improved. Studying current bike parking and future needs would be a good step for continued coordination with transit and potentially developing community bicycle branding."
- Association of Pedestrian and Bicycle Professionals (APBP) - [Essentials of Bike Parking](#)
- NACTO - [Bicycle Facilities Guide](#)
- Upper Valley Transportation Association - [Mobility Checklist](#): Does the development proposal include Ample, convenient, sheltered, and secure bicycle parking?
- North Country Council – [Cycle Parking Guidance](#) (an excellent overall reference from April 2021)
- Federal Highway Administration (FHWA) - [Bicycle Parking and Storage Lesson Plan](#)
- Similar municipal standards – Kingston, NH; Merrimack, NH; Stratham, NH; Londonderry, NH; Barrington, NH; and Durham, NH.